

West's Ann.Cal.Elec.Code § 18661

West's Annotated California Codes Currentness

Elections Code (Refs & Annos)

Division 18. Penal Provisions (Refs & Annos)

⌘ Chapter 7. Initiative, Referendum, and Recall (Refs & Annos)

⌘ Article 7. False Affidavits Concerning Petitions

➔ **§ 18661. Public officers; false returns, certifications or affidavits**

Every public official or employee is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment, who knowingly makes any false return, certification or affidavit concerning any initiative, referendum, or recall petition or the signatures appended thereto.

CREDIT(S)

(Stats.1994, c. 920 (S.B.1547), § 2.)

HISTORICAL AND STATUTORY NOTES

2003 Main Volume

Legislative Intent relating to Stats.1994, c. 920 (S.B.1547), § 2, see Historical and Statutory Notes under Elections Code § 1.

**Derivation:** Former § 29219, enacted by Stats.1961, c. 23, p. 873, § 29219, amended by Stats.1976, c. 1139, § 36.

Former § 29781, added by Stats.1976, c. 1192, § 15.

Elec.C.1939, § 11647 (Stats.1939, c. 26, p. 315, amended by Stats.1957, c. 139, p. 738, § 14).

Pen.C. § 64b, subd. 6, added by Stats.1915, c. 49, p. 55, § 1.

CROSS REFERENCES

County, City, defined for purposes of this Code, see Elections Code § 310.

Initiative and referendum petitions, state elections, general requirements, see Elections Code § 9000 et seq.

Initiative and referendum petitions, state elections, petition signatures, see Elections Code § 9020 et seq.

Recall petition, generally, see Elections Code § 11040 et seq.

Signature mark, defined for purposes of this Code, see Elections Code § 354.5.

LIBRARY REFERENCES

2003 Main Volume

Officers and Public Employees k70.7.

Statutes ⇄327, 367.

Westlaw Topic Nos. 283, 361.

C.J.S. Statutes § 140-142.

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RESEARCH REFERENCES

West's Ann.Cal.Elec.Code § 18670

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Elections Code (Refs & Annos)

Division 18. Penal Provisions (Refs & Annos)

Chapter 7. Initiative, Referendum, and Recall (Refs & Annos)

Article 8. Filing Petitions to Defeat an Initiative or Referendum (Refs & Annos)

→§ 18670. Misdemeanor

Every person is guilty of a misdemeanor who, either as principal or agent, files in the office of the Secretary of State, county elections official, or in the office of any other officer designated by law to receive the filing, a petition or any section of a petition relating to the Constitution or the laws of this state, authorized by the Constitution or laws of this state regulating the statewide initiative or referendum, with the intention of thereby defeating that initiative or referendum measure that is embraced in the petition. Nothing in this section applies to any person who, in good faith, files a petition embracing an initiative or referendum measure that conflicts with a similar measure already on file.

CREDIT(S)

(Stats.1994, c. 920 (S.B.1547), § 2.)

HISTORICAL AND STATUTORY NOTES

2003 Main Volume

Legislative intent relating to Stats.1994, c. 920 (S.B.1547), § 2, see Historical and Statutory Notes under Elections Code § 1.

**Derivation:** Former § 29212, enacted by Stats.1961, c. 23, p. 872, § 29212.

Former § 29790, added by Stats.1976, c. 1192, § 15.

Elec.C.1939, § 11640 (Stats.1939, c. 26, p. 313, amended by Stats.1939, c. 1095, p. 3026).

Pen.C. § 64a, added by Stats.1931, c. 662, p. 1402, § 1.

CROSS REFERENCES

Circulation of petition containing known false names or signatures, see Elections Code § 18610 et seq.

County, City, defined for purposes of this Code, see Elections Code § 310.

Elections official, defined for purposes of this Code, see Elections Code § 320.

Initiative and referendum, generally, see Const. Art. 2, §§ 8 to 11; Const. Art. 4, § 1; Elections Code § 9000 et seq.

Making false affidavits concerning petitions, see Elections Code § 18660.

Measure, defined for purposes of this Code, see Elections Code § 329.

Misdemeanor defined, see Penal Code § 17.

Proponent of initiative or referendum measure defined, see Elections Code § 342.

Secretary of State, powers and duties, administration and enforcement of Elections Code, see Const. Art. 5, § 11; Government Code § 12150 et seq.

LAW REVIEW AND JOURNAL COMMENTARIES

Penal provisions of Elections Code and municipal referendum and initiative elections. (Spring 1965). 5

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West's Ann.Cal.Elec.Code § 18671

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Elections Code (Refs & Annos)

Division 18. Penal Provisions (Refs & Annos)

Chapter 7. Initiative, Referendum, and Recall (Refs & Annos)

Article 8. Filing Petitions to Defeat an Initiative or Referendum (Refs & Annos)

**→§ 18671. Void petitions; filing with intent to defeat expression of public will**

Any petition, or any section of a petition, filed by any person other than the proponents of an initiative or referendum measure and with an intention of defeating an expression of the public will is null and void.

#### CREDIT(S)

(Stats.1994, c. 920 (S.B.1547), § 2.)

#### HISTORICAL AND STATUTORY NOTES

2003 Main Volume

Legislative intent relating to Stats.1994, c. 920 (S.B.1547), § 2, see Historical and Statutory Notes under Elections Code § 1.

**Derivation:** Former § 29213, enacted by Stats.1961, c. 23, p. 872, § 29213.

Former § 29791, added by Stats.1976, c. 1192, § 15.

Elec.C.1939, § 11641 (Stats.1939, c. 26, p. 314, amended by Stats.1939, c. 1095, p. 3026; Stats.1941, c. 1279, p. 3225, § 1.7).

Pen.C. § 64a, added by Stats.1931, c. 662, p. 1402, § 1.

#### CROSS REFERENCES

Initiative and referendum, generally, see Const. Art. 2, §§ 8 to 11; Const. Art. 4, § 1; Elections Code § 9000 et seq.

Making false affidavits concerning petitions, see Elections Code § 18660.

Measure, defined for purposes of this Code, see Elections Code § 329.

#### LIBRARY REFERENCES

2003 Main Volume

Statutes ⇐304, 344.

Westlaw Topic No. 361.

C.J.S. Statutes § 116, 125.

#### RESEARCH REFERENCES

Treatises and Practice Aids

2 Witkin Cal. Crim. L. 3d Crimes Against Gov't Auth. § 144, (S 144) Interference With Procedure.

West's Ann. Cal. Elec. Code § 18671, CA ELEC § 18671

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West's Ann.Cal.Elec.Code § 18680

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Effective: [See Text Amendments]

West's Annotated California Codes Currentness

Elections Code (Refs &amp; Annos)

Division 18. Penal Provisions (Refs &amp; Annos)

▣ Chapter 7. Initiative, Referendum, and Recall (Refs &amp; Annos)

▣ Article 9. Misuse of Campaign Funds (Refs &amp; Annos)

**→§ 18680. Misappropriation; expenses within due and lawful execution of the trust; penalties**

Every person who is entrusted with money or things of value for the purpose of promoting or defeating any initiative, referendum, or recall petition or any measure that has qualified for the ballot is a trustee of the money or things of value. If a person wrongfully appropriates the money or things of value to any use or purpose not in the due and lawful execution of the trust, the person shall be punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment. The following expenses are within the due and lawful execution of the trust:

- (a) Securing signatures to initiative, referendum, or recall petitions.
- (b) Circulating initiative, referendum, or recall petitions.
- (c) Holding and conducting public meetings.
- (d) Printing and circulating prior to an election:
  - (1) Specimen ballots.
  - (2) Handbills.
  - (3) Cards.
  - (4) Other papers.
- (e) Advertising.
- (f) Postage.
- (g) Expressage.
- (h) Telegraphing.
- (i) Telephoning.
- (j) All salaries and expenses of:

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- (1) Campaign managers.
- (2) Lecturers.
- (3) Solicitors.
- (4) Agents.
- (5) All persons employed in transacting business at headquarters or branch offices, if the business transacted is related to promoting or defeating an initiative, referendum, or recall petition or any measure which has qualified for the ballot.
- (k) Maintaining headquarters and branch offices.
- (l) Renting of rooms for the transaction of the business of an association.
- (m) Attorney's fees and other costs in connection with litigation where the litigation arises directly out of any of the following:
  - (1) Activities related to promoting or defeating an initiative, referendum, or recall petition or any measure that has qualified for the ballot.
  - (2) The enactment, by the initiative process, of any ordinance, charter amendment, statute, or constitutional amendment.
  - (3) An election contest or recount.
  - (4) A violation of state or local campaign, disclosure, or election laws.

The amendment of this section by adding subdivision (m) thereto, made at the 1991-92 Regular Session of the Legislature, does not constitute a change in, but is declaratory of, the existing law.

Expenses for food, clothing, shelter and other personal needs of the trustee are not within the due and lawful execution of the trust. However, expenses for travel and necessary accommodations for the trustee are within the due and lawful execution of the trust, if the travel and accommodations are related to promoting or defeating an initiative, referendum, or recall petition or any measure that has qualified for the ballot.

CREDIT(S)

(Stats.1994, c. 920 (S.B.1547), § 2.)

#### HISTORICAL AND STATUTORY NOTES

2003 Main Volume

Legislative intent relating to Stats.1994, c. 920 (S.B.1547), § 2, see Historical and Statutory Notes under Elections Code § 1.

**Derivation:** Former § 29227, enacted by Stats.1969, c. 106, p. 238, § 1, amended by Stats.1976, c. 1139, § 44.

Former § 29795, added by Stats.1976, c. 1192, § 15, amended by Stats.1991, c. 1002, § 1.

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West's Ann.Cal.Elec.Code § 18700

**C****Effective: [See Text Amendments]**

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Elections Code (Refs &amp; Annos)

Division 18. Penal Provisions (Refs &amp; Annos)

Chapter 8. Obligations of Precinct Board (Refs &amp; Annos)

**→ § 18700. Failure to fulfill duties; misdemeanor**

Any voter who has filed an application for the position of, and been appointed as a precinct board member and who, without being excused by the county elections official, knowingly fails to act as a precinct board member, is guilty of a misdemeanor punishable by a fine not to exceed one hundred dollars (\$100).

CREDIT(S)

(Stats.1994, c. 920 (S.B.1547), § 2.)

**HISTORICAL AND STATUTORY NOTES**

2003 Main Volume

Legislative intent relating to Stats.1994, c. 920 (S.B.1547), § 2, see Historical and Statutory Notes under Elections Code § 1.

Former § 18700, enacted by Stats.1961, c. 23, § 18700, relating to the number of votes required to win election, was repealed by Stats.1975, c. 1203, § 8.

**Derivation:** Former § 1634, enacted by Stats.1961, c. 23, p. 619, § 1634.

Former § 29500, added by Stats.1975, c. 1203, § 22.

Former § 29800, added by Stats.1976, c. 1192, § 15.

Elec.C.1939, § 681 (Stats.1939, c. 26, p. 80).

Pol.C. § 1142, amended by Code Am.1873, to 74, c. 610, p. 21, § 38; Stats.1889, c. 274, p. 425, § 6; Stats.1895, c. 216, p. 298, § 1; Stats.1899, c. 70, p. 85, § 1; Stats.1903, c. 122, p. 133, § 1; Stats.1911, c. 440, p. 891, § 1; Stats.1911, Ex.Sess., c. 43, p. 186, § 1; Stats.1913, c. 634, p. 1165, § 1; Stats.1915, c. 522, p. 851, § 3; Stats.1919, c. 230, p. 333, § 2; Stats.1921, c. 549, p. 873, § 1; Stats.1929, c. 209, p. 368, § 1; Stats.1931, c. 1126, p. 2386, § 1; Stats.1937, c. 332, p. 721, § 1.

**CROSS REFERENCES**

Contests, grounds for election contests, see Elections Code § 16100.

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I.C.A. § 39A.1

Iowa Code Annotated Currentness

Title II. Elections and Official Duties

■ Subtitle 1. Elections

■ Chapter 39A. Election Misconduct (Refs &amp; Annos)

**→39A.1. Title and purpose—election officials defined**

1. This chapter may be cited and referred to as the "Election Misconduct and Penalties Act".
2. The purpose of this chapter is to identify actions which threaten the integrity of the election process and to impose significant sanctions upon persons who intentionally commit those acts. It is the intent of the general assembly that offenses with the greatest potential to affect the election process be vigorously prosecuted and strong punishment meted out through the imposition of felony sanctions which, as a consequence, remove the voting rights of the offenders. Other offenses are still considered serious, but based on the factual context in which they arise, they may not rise to the level of offenses to which felony penalties attach. The general assembly also recognizes that instances may arise in which technical infractions of chapters 39 through 53 may occur which do not merit any level of criminal sanction. In such instances, administrative notice from the state or county commissioner of elections is sufficient. Mandates or proscriptions in chapters 39 through 53 which are not specifically included in this chapter shall be considered to be directive only, without criminal sanction.
3. For the purposes of this chapter, "election officials" include the state commissioner, the county commissioner, employees of the state commissioner and county commissioner who are responsible for carrying out functions or duties under chapters 39 through 53, and precinct election officials appointed pursuant to sections 49.12, 49.14, 49.18, and 53.23.

CREDIT(S)

Added by Acts 2002 (79 G.A.) ch. 1071, § 1.

I. C. A. § 39A.1, IA ST § 39A.1

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Iowa Code Annotated Currentness

Title II. Elections and Official Duties

▣ Subtitle 1. Elections

▣ Chapter 39A. Election Misconduct (Refs &amp; Annos)

**→ 39A.2. Election misconduct in the first degree**

1. A person commits the crime of election misconduct in the first degree if the person willfully commits any of the following acts:

a. Registration fraud. Produces, procures, submits, or accepts a voter registration application that is known by the person to be materially false, fictitious, forged, or fraudulent.

b. Vote fraud.

(1) Destroys, delivers, or handles an application for a ballot or an absentee ballot with the intent of interfering with the voter's right to vote.

(2) Produces, procures, submits, or accepts a ballot or an absentee ballot, or produces, procures, casts, accepts, or tabulates a ballot that is known by the person to be materially false, fictitious, forged, or fraudulent.

(3) Votes or attempts to vote more than once at the same election, or votes or attempts to vote at an election knowing oneself not to be qualified.

(4) Makes a false or untrue statement in an application for an absentee ballot or makes or signs a false certification or affidavit in connection with an absentee ballot.

(5) Otherwise deprives, defrauds, or attempts to deprive or defraud the citizens of this state of a fair and impartially conducted election process.

c. Duress. Intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, a person to do any of the following:

(1) To register to vote, to vote, or to attempt to register to vote.

(2) To urge or aid a person to register to vote, to vote, or to attempt to register to vote.

(3) To exercise a right under chapters 39 through 53.

d. Bribery.

(1) Pays, offers to pay, or causes to be paid money or any other thing of value to a person to influence the person's vote.

(2) Pays, offers to pay, or causes to be paid money or any other thing of value to an election official conditioned on

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some act done or omitted to be done contrary to the person's official duty in relation to an election.

(3) Receives money or any other thing of value knowing that it was given in violation of subparagraph (1) or (2).

e. Conspiracy. Conspires with or acts as an accessory with another to commit an act in violation of paragraphs "a" through "d".

2. Election misconduct in the first degree is a class "D" felony.

CREDIT(S)

Added by Acts 2002 (79 G.A.) ch. 1071, § 2.

I. C. A. § 39A.2, IA ST § 39A.2

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I.C.A. § 39A.3

Iowa Code Annotated Currentness

Title II. Elections and Official Duties

▣ Subtitle 1. Elections

▣ Chapter 39A. Election Misconduct (Refs &amp; Annos)

**→ 39A.3. Election misconduct in the second degree**

1. A person commits the crime of election misconduct in the second degree if the person willfully commits any of the following acts:

a. Interference with validity of election.

(1) Possesses an official ballot outside of the voting room unless the person is an election official or other person authorized by law to possess such a ballot.

(2) Makes or possesses a counterfeit of an official election ballot.

(3) Solicits or encourages a person to vote in an election knowing that person is not qualified to vote in the election.

b. Actions by election official. As an election official:

(1) Refuses to register a person who is entitled to register to vote under chapter 48A.

(2) Accepts a fee from an applicant applying for registration.

(3) While the polls are open, opens a ballot received from a voter, except as permitted by law.

(4) Marks a ballot by folding or otherwise so as to be able to recognize it.

(5) Attempts to learn how a voter marked a ballot.

(6) Causes a voter to cast a vote contrary to the voter's intention.

(7) Changes a ballot, or in any way causes a vote to be recorded contrary to the intention of the person casting that vote.

(8) Allows a person to do any of the acts proscribed by subparagraphs (1) through (7).

2. Election misconduct in the second degree is an aggravated misdemeanor.

CREDIT(S)

Added by Acts 2002 (79 G.A.) ch. 1071, § 3.

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Iowa Code Annotated Currentness

Title II. Elections and Official Duties

§ Subtitle 1. Elections

§ Chapter 39A. Election Misconduct (Refs &amp; Annos)

**→39A.4. Election misconduct in the third degree**

1. A person commits the crime of election misconduct in the third degree if the person willfully commits any of the following acts:

a. Election day acts. Any of the following on election day:

(1) Loitering, congregating, electioneering, posting signs, treating voters, or soliciting votes, during the receiving of the ballots, either on the premises of a polling place or within three hundred feet of an outside door of a building affording access to a room where the polls are held, or of an outside door of a building affording access to a hallway, corridor, stairway, or other means of reaching the room where the polls are held. This subparagraph does not apply to the posting of signs on private property not a polling place, except that the placement of a sign that is more than ninety square inches in size on a motor vehicle, trailer, or semitrailer, or its attachment to a motor vehicle, trailer, or semitrailer parked on public property within three hundred feet of a polling place is prohibited.

(2) Interrupting, hindering, or opposing a voter while in or approaching the polling place for the purpose of voting.

(3) As a voter, submitting a false statement as to the voter's ability to mark a ballot.

(4) Interfering or attempting to interfere with a voter when the voter is inside the enclosed voting space, or when the voter is marking a ballot.

(5) Endeavoring to induce a voter to show how the voter marks or has marked a ballot.

(6) Marking, or causing in any manner to be marked, on a ballot, any character for the purpose of identifying such ballot.

b. Actions by election official. As an election official:

(1) Serving as a member of a challenging committee or observer under section 49.104, subsection 2, 5, or 6, while serving as a precinct election official at the polls.

(2) Failing to perform duties prescribed by chapters 39 through 53, or performing those duties in such a way as to hinder the object of the law.

(3) Disclosing the manner in which a person's ballot has been voted to anyone except as ordered by a court.

(4) Failing to carry out a duty with regard to access under chapter 22 to a public record that relates to an election or voter registration.

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- (5) Furnishing a voter with a ballot other than the proper ballot to be used at an election.
- (6) Making or consenting to a false entry on the list of voters or poll books.
- (7) Placing or permitting another election official to place anything other than a ballot into a ballot box as provided in section 49.85, or permitting a person other than an election official to place anything into a ballot box.
- (8) Taking or permitting to be taken out of a ballot box a ballot deposited in the ballot box, except in the manner prescribed by law.
- (9) Destroying or altering a ballot that has been given to a voter.
- (10) Permitting a person to vote in a manner prohibited by law.
- (11) Refusing or rejecting the vote of a voter qualified to vote.
- (12) Wrongfully acting or refusing to act for the purpose of avoiding an election, or of rendering invalid a ballot cast from a precinct or other voting district.
- (13) Having been deputized to carry the poll books of an election to the place where they are to be canvassed, failing to deliver them to such place, safe, with seals unbroken, and within the time specified by law.

## c. Miscellaneous offenses.

- (1) As a party committee member or a primary election officer or public officer upon whom a duty is imposed by chapter 43 or by a statute applicable to chapter 43, neglecting to perform any such duty, or performing any such duty in such a way as to hinder the object of the statute, or by disclosing to anyone, except as may be ordered by a court, the manner in which a ballot may have been voted.
- (2) As a person who is designated pursuant to section 43.4 to report the results of a precinct caucus as it relates to the selection and reporting of delegates selected as part of the presidential nominating process or who is designated pursuant to section 43.4 to tabulate and report the number of persons attending the caucus favoring each presidential candidate, failing to perform those duties, falsifying the information, or omitting information required to be reported under section 43.4.
- (3) Making a false answer under chapter 43 relative to a person's qualifications and party affiliations.
- (4) Paying, offering to pay, or receiving compensation for voter registration assistance in violation of section 48A.25.
- (5) Using voter registration information in violation of section 48A.39.
- (6) As a candidate, making a promise to name or appoint another person to a position or to secure a position for another person in violation of section 49.120.
- (7) Soliciting the use of influence from a candidate in violation of section 49.121.
- (8) As a public official or employee, or a person acting under color of a public official or employee, knowingly requiring a public employee to act in connection with an absentee ballot in violation of section 53.7.
- (9) As a person designated by the county commissioner of elections or by the voter casting an absentee ballot,

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failing to return an absentee ballot in violation of section 53.35A.

(10) As an incumbent officeholder of, or a candidate for, an office being voted for at the election in progress, serving as a member of a challenging committee or observer under section 49.104, subsection 2, 5, or 6.

(11) Returning a voted absentee ballot, by mail or in person, to the commissioner's office and the person returning the ballot is not the voter, an absentee ballot courier, a special precinct election official designated pursuant to section 53.22, subsection 1, or the designee of a voter described in section 53.22, subsection 5.

(12) Making a false or untrue statement reporting that a voted absentee ballot was returned to the commissioner's office, by mail or in person, by a person other than the voter, an absentee ballot courier, a special precinct election official designated pursuant to section 53.22, subsection 1, or the designee of a voter described in section 53.22, subsection 5.

2. Election misconduct in the third degree is a serious misdemeanor.

CREDIT(S)

Added by Acts 2002 (79 G.A.) ch. 1071, § 4. Amended by Acts 2004 (80 G.A.) ch. 1083, § 1, eff. April 16, 2004.

#### HISTORICAL AND STATUTORY NOTES

##### 2006 Electronic Pocket Part Update

##### 2004 Legislation

The 2004 amendment, in subsec. 1, par. c, added subpar. (11) and subpar. (12).

Acts 2004 (80 G.A.) ch. 1083, § 37, provides:

"Sec. 37. Immediate effective date. This Act, being deemed of immediate importance, takes effect upon enactment and applies to elections held on or after September 15, 2004."

I. C. A. § 39A.4, IA ST § 39A.4

Current through Acts of 2006 Reg. Sess. & 1st Ex. Sess.

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I.C.A. § 39A.5

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Iowa Code Annotated Currentness

Title II. Elections and Official Duties

▣ Subtitle 1. Elections

▣ Chapter 39A. Election Misconduct (Refs &amp; Annos)

**→39A.5. Election misconduct in the fourth degree**

1. A person commits the crime of election misconduct in the fourth degree if the person willfully commits any of the following acts:

a. Election day acts.

(1) As an employer, denying an employee the privilege conferred by section 49.109, or subjecting an employee to a penalty or reduction of wages because of the exercise of that privilege.

(2) Failing or refusing to comply with an order or command of an election official made pursuant to chapter 49 for which another penalty is not provided.

(3) Circulating, communicating, or attempting to circulate or communicate information with reference to the result of the counted ballots or making a compilation of vote subtotals before the polls are closed in violation of section 51.11, 52.40, or 53.23.

(4) Destroying, defacing, tearing down, or removing a list of candidates, card of instruction, or sample ballot posted as provided by law prior to the closing of the polls.

(5) Removing or destroying the supplies or articles furnished for the purpose of enabling voters to prepare their ballots.

(6) Violating or attempting to violate any of the provisions or requirements of chapter 49 to which another penalty does not apply.

b. Miscellaneous offenses.

(1) As a public employee, acting in connection with an absentee ballot in violation of section 53.7.

(2) Neglecting or refusing to return an absentee ballot in violation of section 53.35, or violating any other provision of chapter 53 for which another penalty is not provided.

(3) Filing a challenge containing false information under section 48A.14.

2. Election misconduct in the fourth degree is a simple misdemeanor.

CREDIT(S)

Added by Acts 2002 (79 G.A.) ch. 1071, § 5.

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Iowa Code Annotated Currentness

Title II. Elections and Official Duties

■ Subtitle 1. Elections

■ Chapter 39A. Election Misconduct (Refs & Annos)

**→39A.6. Technical infractions—notice**

If the state commissioner or county commissioner becomes aware of an apparent technical violation of a provision of chapters 39 through 53, the state commissioner or county commissioner may administratively provide a written notice and letter of instruction to the responsible person regarding proper compliance procedures. This notice is not a final determination of facts or law in the matter, and does not entitle a person to a proceeding under chapter 17A.

CREDIT(S)

Added by Acts 2002 (79 G.A.) ch. 1071, § 6.

I. C. A. § 39A.6, IA ST § 39A.6

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**C****KANSAS STATUTES ANNOTATED****CHAPTER 25. ELECTIONS****ARTICLE 24. ELECTION CRIMES****25-2407. Corrupt political advertising; penalty.**

Corrupt political advertising is:

(a) Publishing or causing to be published in a newspaper or other periodical any paid matter which is designed or tends to aid, injure or defeat any candidate for nomination or election to public office, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairman of the political or other organization inserting the same or the name of the person who is responsible therefor; or

(b) broadcasting or causing to be broadcast by any radio or television station any paid matter which is designed or tends to aid, injure or defeat any candidate for nomination or election to public office, unless such matter is followed by a statement that the preceding was an advertisement together with the name of the chairman of the political or other organization sponsoring the same or the name of the person who is responsible therefor; or

(c) publishing or causing to be published in a newspaper or other periodical any paid matter which is intended to influence the vote of any person or persons for or against any question submitted for a proposition to amend the constitution or to authorize the issuance of bonds or any other question submitted at an election, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairman of the political or other organization inserting the same or the name of the person who is responsible therefor; or

(d) broadcasting or causing to be broadcast by any radio or television station any paid matter which is intended to influence the vote of any person or persons for or against any question submitted for a proposition to amend the constitution or to authorize the issuance of bonds or any other question submitted at an election, unless such matter is followed by the statement that the preceding was an advertisement together with the name of the chairman of the political or other organization sponsoring the same or the name of the person who is responsible therefor.

Corrupt political advertising is a class C misdemeanor.

**History:** L. 1973, ch. 173, § 1; Feb. 23.**SOURCE OR PRIOR LAWS**

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25-1707.

**CROSS REFERENCES TO RELATED SECTIONS**

1993 Main Volume CROSS REFERENCES TO RELATED SECTIONS

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KANSAS STATUTES ANNOTATED  
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**25-2408. Definitions.**

As used in this act, unless the context otherwise requires: (a) "Election" means any primary, general or special election of national, state, county, township, school or city officers or officers of any other subdivision of the state, or any question submitted election held at any time whether the same be upon a constitutional amendment, authority to issue bonds by the state or any subdivision thereof or any other special question whatsoever.

(b) Words and phrases defined in article 25 of chapter 25 of Kansas Statutes Annotated shall have the same meaning when used in this act as is ascribed thereto in said article.

**History:** L. 1974, ch. 157, § 1; July 1.

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**KANSAS STATUTES ANNOTATED  
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25-2409. Election bribery.**

Election bribery is conferring, offering or agreeing to confer, or soliciting, accepting or agreeing to accept any benefit as consideration to or from any person either to vote or withhold any person's vote, or to vote for or against any candidate or question submitted at any public election.

Election bribery is a severity level 7, nonperson felony.

**History:** L. 1974, ch. 157, § 3; L. 1993, ch. 291, § 200; July 1.

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Elections ↪ 316.

C.J.S. Elections § 332.

K. S. A. § 25-2409, KS ST § 25-2409

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**25-2410. Bribery to induce signing of nomination papers.**

Bribery to induce signing of nomination papers is knowingly: (a) Offering any benefit, property or thing of value to any person to induce him to sign any nomination paper; or

(b) accepting any benefit, property or thing of value, as consideration for signing any nomination paper.

Bribery to induce signing of nomination papers is a class B misdemeanor.

**History:** L. 1974, ch. 157, § 4; July 1.

K. S. A. § 25-2410, KS ST § 25-2410

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**25-2411. Election perjury.**

Election perjury is intentionally and knowingly falsely swearing, affirming, declaring or subscribing to any of the following: (a) Statements in answer to questions put to a person who has been challenged as unqualified to vote.

(b) Statements in answer to questions put to a witness concerning the qualifications of any person to vote.

(c) Statements contained in any affidavit which is prescribed by chapter 25 of the Kansas Statutes Annotated or any other election law of the state, or which is prescribed in any manner by the secretary of state or any county election officer under the election laws of this state.

(d) Statements in answer to questions put by a county election officer or deputy county election officer relating to application for voter registration of any person.

(e) Statements in answer to questions put by an election board member to a person asking for voter assistance because of age, visual handicap, lack of proficiency in reading the English language or physical disability.

(f) Statements of any witness at an election contest.

Election perjury is a severity level 9, nonperson felony.

**History:** L. 1974, ch. 157, § 5; L. 1976, ch. 188, § 1; L. 1993, ch. 291, § 201; July 1.

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1993 Main Volume RESEARCH AND PRACTICE AIDS

Perjury  1.

C.J.S. Perjury §§ 2 to 8, 21.

K. S. A. § 25-2411, KS ST § 25-2411

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**25-2412. Election forgery.**

Election forgery is: (a) Knowingly and with intent to induce official action, signing or otherwise affixing any name other than one's own name to a certificate of nomination, nomination paper or any petition under the election laws of this state;

(b) marking any other person's ballot without such person's consent; or

(c) marking any other person's ballot contrary to the directions of such person.

Election forgery is a severity level 8, nonperson felony.

**History:** L. 1974, ch. 157, § 6; L. 1980, ch. 113, § 1; L. 1993, ch. 291, § 202; July 1.

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1993 Main Volume RESEARCH AND PRACTICE AIDS

Forgery ➞ 1.

C.J.S. Forgery § 1.

CASE ANNOTATIONS

1993 Main Volume CASE ANNOTATIONS

1. Cited; constitutionality of mail ballot election act (25-431 et seq.) examined and upheld. *Sawyer v. Chapman*, 240 K. 409, 414, 415, 729 P.2d 1220 (1986).

K. S. A. § 25-2412, KS ST § 25-2412

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**25-2413. Disorderly election conduct.**

Disorderly election conduct is willfully: (a) Disturbing the peace in or about any voting place on election day;

(b) leaving or attempting to leave a voting place in possession of any ballot, except as is specifically permitted by law;

(c) approaching or remaining closer than three feet to any voting booth, voting machine or table being used by an election board except as admitted for the purpose of voting or by authority of the supervising judge;

(d) interrupting, hindering or obstructing any person approaching any voting place for the purpose of voting;

(e) engaging in any of the following activities within 250 feet from the entrance of a polling place during the hours the polls are open on election day:

(1) solicitation of contributions; or


(2) conduct of advisory elections other than those specifically authorized by law, including the exercise of home rule power, to be conducted by a county election officer.

Disorderly election conduct is a class B misdemeanor.

**History:** L. 1974, ch. 157, § 7; L. 1985, ch. 118, § 11; July 1.

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1993 Main Volume RESEARCH AND PRACTICE AIDS

Elections  309.

C.J.S. Elections §§ 324, 334.

## ATTORNEY GENERAL'S OPINIONS

1993 Main Volume ATTORNEY GENERAL'S OPINIONS

Disorderly election conduct; advisory elections; assistance of county election officer; home rule. 94-106.

K. S. A. § 25-2413, KS ST § 25-2413

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**25-2414. Possessing false or forged election supplies.**

Possessing false or forged election supplies is possessing any falsely made, altered, forged or counterfeit poll book, tally lists or election returns of any election in this state with the intent to hinder or prevent a fair election.

Possessing false or forged election supplies is a severity level 9, nonperson felony.

**History:** L. 1974, ch. 157, § 8; L. 1993, ch. 291, § 203; July 1.

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**25-2415. Intimidation of voters.**

(a) Intimidation of voters is: (1) intimidating, threatening, coercing or attempting to intimidate, threaten, or coerce any person for the purpose of interfering with the right of such person to vote or to vote as he may choose, or of causing such person to vote for, or not to vote for, any candidate for any office or question submitted at any election; or

(2) mailing, publishing, broadcasting, telephoning or transmitting by any means false information intended to keep one or more voters from casting a ballot or applying for or returning an advance voting ballot.

(b) Intimidation of voters is a severity level 7, nonperson felony.

**History:** L. 1974, ch. 157, § 9; L. 2001, ch. 125, § 2; April 26.

RESEARCH AND PRACTICE AIDS

1993 Main Volume RESEARCH AND PRACTICE AIDS

Elections ⚡ 320.

C.J.S. Elections § 333.

LAW REVIEW AND BAR JOURNAL REFERENCES:

2005 Pocket Part LAW REVIEW AND BAR JOURNAL REFERENCES:

'2001 Legislative Wrap-Up,' Paul T. Davis, 70 J.K.B.A. No. 7, 14 (2001).

K. S. A. § 25-2415, KS ST § 25-2415

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**25-2416. Voting without being qualified.**

Voting without being qualified is knowingly and willfully: (a) Voting or attempting to vote at any election when not a lawfully registered voter.

(b) Voting or offering to vote more than once at the same election.

(c) Inducing or aiding any person to vote more than once at the same election.

Voting without being qualified is a class A misdemeanor.

**History:** L. 1974, ch. 157, § 10; July 1.

RESEARCH AND PRACTICE AIDS

1993 Main Volume RESEARCH AND PRACTICE AIDS

Elections ➡ 313.

C.J.S. Elections § 325.

CASE ANNOTATIONS

1993 Main Volume CASE ANNOTATIONS

1. Cited; law on voting absentee ballot for another (25-1124) applied. *Lambeth v. Levens*, 237 K. 614, 618, 702 P.2d 320 (1985).

2. Cited; constitutionality of mail ballot election act (25-431 et seq.) examined and upheld. *Sawyer v. Chapman*, 240 K. 409, 414, 415, 729 P.2d 1220 (1986).

K. S. A. § 25-2416, KS ST § 25-2416

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**25-2417. Bribery of an election official.**

Bribery of an election official is conferring or offering or agreeing to confer any benefit, property or thing of value upon an election official with intent to influence the election official to perform the election official's duties improperly.

Bribery of an election official is a severity level 7, nonperson felony.

**History:** L. 1974, ch. 157, § 11; L. 1993, ch. 291, § 204; July 1.

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Elections  316.

C.J.S. Elections § 332.

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**25-2418. Bribe acceptance by an election official.**

Bribe acceptance by an election official is the acceptance by an election official of any benefit, property or thing of value in consideration for improper performance of election duties.

Bribe acceptance by an election official is a severity level 7, nonperson felony.

**History:** L. 1974, ch. 157, § 12; L. 1993, ch. 291, § 205; July 1.

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Elections 316.

C.J.S. Elections § 332.

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**25-2419. Misconduct of an election officer.**

Misconduct of an election officer is, while being charged with any election duty: (a) Being grossly neglectful with respect thereto.

(b) Furnishing a voter with a ballot and informing such voter that any of its contents are different from that which appear thereon with intent to induce such voter to vote contrary to such voter's inclinations.

(c) Changing the ballot of a voter.

(d) Willfully permitting any person to testify as a witness or make an affidavit contrary to law.

(e) Preventing a qualified elector from voting.

(f) Refusing to receive the vote of a qualified elector when duly offered.

Misconduct of an election officer is a class B misdemeanor.

**History:** L. 1974, ch. 157, § 13; July 1.

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1993 Main Volume RESEARCH AND PRACTICE AIDS

Elections ➞ 314.

C.J.S. Elections § 327.

CASE ANNOTATIONS

1993 Main Volume CASE ANNOTATIONS

1. Cited; constitutionality of mail ballot election act (25-431 et seq.) examined and upheld. *Sawyer v. Chapman*, 240 K. 409, 414, 415, 729 P.2d 1220 (1986).

K. S. A. § 25-2419, KS ST § 25-2419

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**25-2420. Election fraud by an election officer.**

Election fraud by an election officer is, while being charged with any election duty, and with intent to hinder, prevent or defeat a fair election: (a) Receiving any vote by any person who is not a registered voter or otherwise qualified to vote.

(b) Receiving any vote offered by any person who shall have voted previously at the same election.

(c) Possessing any falsely made, altered, forged or counterfeit poll books, registration books, party affiliation lists, election abstracts or returns or any other election papers.

(d) Receiving, canvassing, counting or tallying any ballots, votes or election returns which are fraudulent, forged, counterfeited or illegal.

(e) Issuing, granting, mailing or delivering any false, fraudulent or illegal certificate of nomination or certificate of election.

(f) Declaring or otherwise proclaiming any false election result.

(g) Declaring or otherwise proclaiming any election result based upon fraudulent, fictitious or illegal votes.

(h) Entering or writing upon any poll book, registration book or party affiliation list the name of any person not qualified to vote.


(i) Entering or writing upon any poll book, registration book or party affiliation list the name of any person who has not voted when in fact such person has not voted.

Election fraud by an election officer is a severity level 10, nonperson felony.

**History:** L. 1974, ch. 157, § 14; L. 1993, ch. 291, § 206; July 1.

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C.J.S. Elections § 327.

ATTORNEY GENERAL'S OPINIONS

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**25-2421. Election suppression.**

Election suppression is knowingly: (a) Suppressing any certificate of nomination, nomination papers, petition for nomination or any part thereof which have been duly filed.

(b) Being in possession of any certificate of nomination, nomination papers or petition for candidacy entitled to be filed under any of the election laws of this state and suppressing, neglecting or failing to cause the same to be filed at the proper time in the proper office.

Election suppression is a severity level 10, nonperson felony.

**History:** L. 1974, ch. 157, § 15; L. 1993, ch. 291, § 207; July 1.

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**25-2421a. Voter registration suppression.**

(a) Voter registration suppression is knowingly: (1) Destroying any application for voter registration signed by a person pursuant to K.S.A. 25-2309, and amendments thereto, (2) obstructing the delivery of any such signed application to the county election officer or the chief state election official, or (3) failing to deliver any such application to the appropriate county election officer or the chief state election official as required by law.

(b) Voter registration suppression is a severity level 10, nonperson felony.

**History:** L. 2001, ch. 125, § 1; April 26.

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**25-2422. Unauthorized voting disclosure.**

Unauthorized voting disclosure is, while being charged with any election duty, intentionally: (a) Disclosing or exposing the contents of any ballot or the manner in which the ballot has been voted, except as ordered by a court of competent jurisdiction.

(b) Endeavoring to induce any voter to show how the voter marks or has marked the voter's ballot.

Unauthorized voting disclosure is a severity level 10, nonperson felony.

**History:** L. 1974, ch. 157, § 16; L. 1993, ch. 291, § 208; July 1.

**LAW REVIEW AND BAR JOURNAL REFERENCES:**

2005 Pocket Part LAW REVIEW AND BAR JOURNAL REFERENCES:

'Kansas Sunshine Law: How Bright Does It Shine Now? The Kansas Open Meetings and Open Records Acts,' Theresa 'Terry' Marcel, 72 J.K.B.A. No. 5, 28 (2003).

**ATTORNEY GENERAL'S OPINIONS**

1993 Main Volume ATTORNEY GENERAL'S OPINIONS

Open public meetings; secret ballots; voting procedure to elect members of the state board of agriculture. 86-176.

K. S. A. § 25-2422, KS ST § 25-2422

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**25-2423. Election tampering.**

Election tampering is, while being charged with no election duty, making or changing any election record.

Election tampering is a severity level 8, nonperson felony.

**History:** L. 1974, ch. 157, § 17; L. 1993, ch. 291, § 209; July 1.

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**25-2424. False impersonation as party officer.**

False impersonation as party officer is willfully and falsely representing oneself to be an officer of any political party organization or committeeman or committeewoman thereof with the intent to deceive any person or to influence in any way the outcome of any election.

False impersonation as party officer is a class A misdemeanor.

**History:** L. 1974, ch. 157, § 18; July 1.

K. S. A. § 25-2424, KS ST § 25-2424

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**25-2425. Voting machine fraud.**

Voting machine fraud is: (a) Being in unlawful or unauthorized possession of a voting machine key.

(b) Intentionally tampering with, altering, disarranging, defacing, impairing or destroying any voting machine, automatic ballot, voting machine label or register or record made by a voting machine.

Voting machine fraud is a severity level 10, nonperson felony.

**History:** L. 1974, ch. 157, § 19; L. 1993, ch. 291, § 210; July 1.

K. S. A. § 25-2425, KS ST § 25-2425

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**25-2426. Printing and circulating imitation ballots.**

Printing and circulating imitation ballots is knowingly printing and circulating sample or imitation ballots except the official sample ballot furnished by the county election officer.

Printing and circulating imitation ballots is a severity level 10, nonperson felony.

**History:** L. 1974, ch. 157, § 20; L. 1993, ch. 291, § 211; July 1.

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**25-2427. Marking ballots to identify.**

Marking ballots to identify is knowingly, in any manner or fashion marking, folding or clipping any ballot so that such ballot may be distinguished from other ballots.

Marking ballot to identify is a class A misdemeanor.

**History:** L. 1974, ch. 157, § 21; July 1.

ATTORNEY GENERAL'S OPINIONS

2005 Pocket Part ATTORNEY GENERAL'S OPINIONS

Advance voting ballot, death of voter prior to canvassing of ballot. 2002-15.

K. S. A. § 25-2427, KS ST § 25-2427

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**25-2428. Destruction of election supplies.**

Destruction of election supplies is intentionally destroying or defacing any list of candidates posted in accordance with law, card of instruction, sample ballot or any election supplies.

Destruction of election supplies is a severity level 9, nonperson felony.

**History:** L. 1974, ch. 157, § 22; L. 1993, ch. 291, § 212; July 1.

K. S. A. § 25-2428, KS ST § 25-2428

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K.S.A. § 25-2429

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**25-2429. Destruction of election papers.**

Destruction of election papers is intentionally destroying any certificate of nomination or nomination papers or any letter of withdrawal of a candidate.

Destruction of election papers is a severity level 9, nonperson felony.

**History:** L. 1974, ch. 157, § 23; L. 1993, ch. 291, § 213; July 1.

K. S. A. § 25-2429, KS ST § 25-2429

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KS ST § 25-2430

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K.S.A. § 25-2430

**C**

KANSAS STATUTES ANNOTATED

CHAPTER 25.--ELECTIONS

ARTICLE 24.--ELECTION CRIMES

**25-2430. Electioneering.**

(a) Electioneering is knowingly attempting to persuade or influence eligible voters to vote for or against a particular candidate, party or question submitted. Electioneering includes wearing, exhibiting or distributing labels, signs, posters, stickers or other materials that clearly identify a candidate in the election or clearly indicate support or opposition to a question submitted election within any polling place on election day or advance voting site during the time period allowed by law for casting a ballot by advance voting or within a radius of 250 feet from the entrance thereof. Electioneering shall not include bumper stickers affixed to a motor vehicle that is used to transport voters to a polling place or to an advance voting site for the purpose of voting.

(b) As used in this section, "advance voting site" means the central county election office or satellite advance voting sites designated as such pursuant to subsection (c) of K.S.A. 25-1122, and amendments thereto.

(c) Electioneering is a class C misdemeanor.

**History:** L. 1974, ch. 157, § 24; L. 2001, ch. 125, § 3; April 26.

**LAW REVIEW AND BAR JOURNAL REFERENCES:**

2005 Pocket Part LAW REVIEW AND BAR JOURNAL REFERENCES:

'2001 Legislative Wrap-Up,' Paul T. Davis, 70 J.K.B.A. No. 7, 14 (2001).

**ATTORNEY GENERAL'S OPINIONS**

1993 Main Volume ATTORNEY GENERAL'S OPINIONS

Mail ballot election act; voting by electors; statute inapplicable. 85-80.

K. S. A. § 25-2430, KS ST § 25-2430

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KANSAS STATUTES ANNOTATED

CHAPTER 25.--ELECTIONS

ARTICLE 24.--ELECTION CRIMES

**25-2431. False impersonation of a voter.**

False impersonation of a voter is representing oneself as another and thereas voting or attempting to vote.

False impersonation of a voter is a severity level 9, nonperson felony.

**History:** L. 1974, ch. 157, § 25; L. 1993, ch. 291, § 214; July 1.

CASE ANNOTATIONS

1993 Main Volume CASE ANNOTATIONS

1. Cited; constitutionality of mail ballot election act (25-431 et seq.) examined and upheld. *Sawyer v. Chapman*, 240 K. 409, 414, 415, 729 P.2d 1220 (1986).

K. S. A. § 25-2431, KS ST § 25-2431

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K.S.A. § 25-2432

**C**

KANSAS STATUTES ANNOTATED  
CHAPTER 25.--ELECTIONS  
ARTICLE 24.--ELECTION CRIMES

**25-2432. Forfeiture of office or employment upon conviction.**

Upon final conviction of any person of any offense specified in this act, such person shall forfeit any public office or public employment which he may hold in addition to any other penalties imposed for such offense.

**History:** L. 1974, ch. 157, § 26; July 1.

RESEARCH AND PRACTICE AIDS

1993 Main Volume RESEARCH AND PRACTICE AIDS

Officers and Public Employees ↪ 31.

C.J.S. Officers and Public Employees § 22.

CASE ANNOTATIONS

1993 Main Volume CASE ANNOTATIONS

1. Cited; constitutionality of mail ballot election act (25-431 et seq.) examined and upheld. *Sawyer v. Chapman*, 240 K. 409, 414, 415, 729 P.2d 1220 (1986).

K. S. A. § 25-2432, KS ST § 25-2432

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KRS § 119.005

**C**

Baldwin's Kentucky Revised Statutes Annotated Currentness

Title X: Elections

Chapter 119: Election Offenses and Prosecutions (Refs &amp; Annos)

**→119.005 Definitions**

- (1) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards, paper ballots, an absentee ballot, a special ballot, or a supplemental paper ballot which has been authorized for the use of the voters in any primary, general or special election by the Secretary of State or the county clerk;
- (2) "Ballot label" means the cards, papers, booklet, pages or other material on which appear the names of candidates and the questions to be voted on by means of ballot cards or voting machines;
- (3) "Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting punch device or by marking with a pen or special marking device;
- (4) "Voting machine" or "machine" shall include lever machines and, as far as applicable, any electronic or electromechanical unit and supplies utilized or relied upon by a voter in casting and recording his vote in an election.

HISTORY: 1982 c 360, § 11, eff. 7-15-82

**KENTUCKY ADMINISTRATIVE CODE REFERENCES**

Regulations governing use of electronic voting systems, 31 KAR 2:010

**RESEARCH REFERENCES**

2006 Main Volume Research References

**Treatises and Practice Aids**

Abramson, Kentucky Practice, Substantive Criminal Law § 14:20, In General.

KRS § 119.005, KY ST § 119.005

Current through End of 2006 Regular Session and First Extraordinary Session

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KRS § 119.015

**C**

Baldwin's Kentucky Revised Statutes Annotated Currentness

Title X. Elections

Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→ 119.015 Clerk making or permitting wrongful registration, or failing or refusing to deliver copies of registration records**

Any county clerk or deputy county clerk who falsely or fraudulently registers the name of any person, or permits any person to register knowing that the person is not entitled to register, or who fails or refuses to deliver copies of the registration records to a person entitled thereto, shall be guilty of a Class D felony.

HISTORY: 1990 c 48, § 64, eff. 7-13-90; 1974 c 130, § 63

**HISTORICAL AND STATUTORY NOTES**

2006 Main Volume Historical and Statutory Notes

**Note:** 119.015, formerly compiled as 124.010, created by 1974 c 130, § 63, eff. 6-21-74; 1942 c 208, § 1; KS 1486bb-17.

**CROSS REFERENCES**

2006 Main Volume Cross References

Access to registration records, 116.095

Eligibility to vote, 116.025

Qualifications for voting in primary election, 116.055

Sentence of imprisonment for Class D felony, 532.060

Voter registration, transfer, or change of party affiliation; county clerk to provide registration forms, cards, 116.045

**LIBRARY REFERENCES**

2006 Main Volume Library References

Elections ↪ 314.

Westlaw Topic No. 144.  
C.J.S. Elections § 327.

**RESEARCH REFERENCES**

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KRS § 119.025

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Baldwin's Kentucky Revised Statutes Annotated Currentness

Title X. Elections

Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→119.025 Wrongful registration**

Any person who knowingly or fraudulently causes himself to be registered in more than one (1) precinct, or to be registered more than once, or in a precinct other than the one in which he is a legal voter, or who registers under any name other than his real name, or who gives a false address, or who in any manner causes himself to be registered when he is not legally entitled to register, or who makes a false oath as to his ability to read or write, or who knowingly or fraudulently aids, abets, counsels or advises in the commission of any such act, shall be subject to the penalties prescribed for Class D felonies.

HISTORY: 1990 c 48, § 65, eff. 7-13-90; 1974 c 130, § 64

**HISTORICAL AND STATUTORY NOTES**

2006 Main Volume Historical and Statutory Notes

**Note:** 119.025, formerly compiled as 124.020, created by 1974 c 130, § 64, eff. 6-21-74; 1942 c 208, § 1; KS 1486b-54, 1486bb-18.

**CROSS REFERENCES**

2006 Main Volume Cross References

Eligibility to vote, 116.025

False swearing, 523.040

Falsification of signature or verification, 116.165

Forgery, alteration, destruction, or failure to return completed registration form, 116.047

Qualifications for voting in primary election, 116.055

Sentence of imprisonment for Class D felony, 532.060

Verification of applications, 116.065

**KENTUCKY ADMINISTRATIVE CODE REFERENCES**

Determining parole eligibility, 501 KAR 1:030

**LIBRARY REFERENCES**

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KRS § 119.035

**C**

Baldwin's Kentucky Revised Statutes Annotated Currentness

Title X. Elections

Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→119.035 Alteration, suppression, mutilation, or destruction of registration record; making or using false or fraudulent record**

Any person who fraudulently or unlawfully alters any registration record, or fraudulently adds any name thereto, or willfully secretes, suppresses, mutilates or destroys any registration record, or makes or uses any false or fraudulent registration record, and any person who aids or abets in the commission of such act, shall be subject to the penalties prescribed for Class D felonies.

HISTORY: 1990 c 48, § 66, eff. 7-13-90; 1974 c 130, § 65

## HISTORICAL AND STATUTORY NOTES

2006 Main Volume Historical and Statutory Notes

**Note:** 119.035, formerly compiled as 124.030, created by 1974 c 130, § 65, eff. 6-21-74; 1942 c 208, § 1; KS 1486b-55, 1486bb-17, 1486bb-19.

## CROSS REFERENCES

2006 Main Volume Cross References

Access to registration records, 116.095

Falsification of signature or verification, 116.165

Forgery, alteration, destruction or failure to return completed registration form, 116.047

Forms for registration, 116.155

Sentence of imprisonment for Class D felony, 532.060

Transfer of registration, 116.085

Voter registration, change of party affiliation, 116.045

## LIBRARY REFERENCES

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KRS § 119.045

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Baldwin's Kentucky Revised Statutes Annotated Currentness

Title X. Elections

Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→119.045 Interfering with registration**

Any person who attempts to or forcibly prevents any person from registering, or in any way unlawfully interferes with any person registering, or prevents or interferes with a clerk or registration officer in carrying out his duties with relation to the registration of voters, shall be guilty of a Class A misdemeanor.

HISTORY: 1990 c 48, § 67, eff. 7-13-90; 1974 c 130, § 66

**HISTORICAL AND STATUTORY NOTES**

2006 Main Volume Historical and Statutory Notes

**Note:** 119.045, formerly compiled as 124.040, created by 1974 c 130, § 66, eff. 6-21-74; 1942 c 208, § 1; KS 1486b-57, 1486bb-20.

**CROSS REFERENCES**

2006 Main Volume Cross References

Sentence of imprisonment for Class A misdemeanor, 532.090

Voter registration, 116.045

**LIBRARY REFERENCES**

2006 Main Volume Library References

Elections ↪319.

Westlaw Topic No. 144.

C.J.S. Elections § 330.

**RESEARCH REFERENCES**

2006 Main Volume Research References

**Treatises and Practice Aids**

Abramson, Kentucky Practice, Substantive Criminal Law § 14:21, Wrongful Registration.

KRS § 119.045, KY ST § 119.045

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KRS § 119.056

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Baldwin's Kentucky Revised Statutes Annotated Currentness

Title X. Elections

Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→ 119.056 Alteration, mutilation, or suppression of nomination papers**

Any person in possession of nomination papers entitled to be filed under the statutes relating to primary elections who wrongfully alters, mutilates or suppresses such papers, or wrongfully fails to cause them to be filed at the proper time in the proper office, shall be guilty of a Class A misdemeanor.

HISTORY: 1990 c 48, § 68, eff. 7-13-90; 1974 c 130, § 67

## HISTORICAL AND STATUTORY NOTES

2006 Main Volume Historical and Statutory Notes

**Note:** 119.056, formerly compiled as 124.050, renumbered by the Reviser of Statutes and created by 1974 c 130, § 67, eff. 6-21-74; 1942 c 208, § 1; KS 1550-32.

## CROSS REFERENCES

2006 Main Volume Cross References

Filing of nomination papers, 118.165

Independent candidates filing to fill vacancy, 118.375

Petition for nomination, 118A.060

Sentence of imprisonment for Class A misdemeanor, 532.090

## LIBRARY REFERENCES

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C.J.S. Elections § 331.

## RESEARCH REFERENCES

2006 Main Volume Research References

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KRS § 119.056

Abramson, Kentucky Practice, Substantive Criminal Law § 14:22, Nominating Papers.

KRS § 119.056, KY ST § 119.056

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KRS § 119.065

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Baldwin's Kentucky Revised Statutes Annotated Currentness

Title X. Elections

Chapter 119. Election Offenses and Prosecutions (Refs & Annos)

**→ 119.065 Forgery of nomination papers**

Any person who forges the name of a signer to a nomination paper shall be guilty of a Class C felony.

HISTORY: 1990 c 48, § 69, eff. 7-13-90; 1974 c 130, § 68

**HISTORICAL AND STATUTORY NOTES**

2006 Main Volume Historical and Statutory Notes

**Note:** 119.065, formerly compiled as 124.060, created by 1974 c 130, § 68, eff. 6-21-74; 1942 c 208, § 1; KS 1550-31.

**CROSS REFERENCES**

2006 Main Volume Cross References

Filing of nomination papers, 118.165

Independent candidates filing to fill vacancy, 118.375

Petition for nomination, 118A.060

Sentence of imprisonment for Class C felony, 532.060

**LIBRARY REFERENCES**

2006 Main Volume Library References

Elections ↪ 318.

Westlaw Topic No. 144.

C.J.S. Elections § 331.

**RESEARCH REFERENCES**

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**Treatises and Practice Aids**

Abramson, Kentucky Practice, Substantive Criminal Law § 14:22, Nominating Papers.

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KRS § 119.076

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Baldwin's Kentucky Revised Statutes Annotated Currentness

Title X. Elections

Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→119.076 Clerk's failure to place candidate's name on ballot**

Any county clerk who willfully and knowingly refuses or fails to have the name of any candidate printed upon the official ballot in the manner provided by law shall be guilty of a Class D felony.

HISTORY: 1990 c 48, § 70, eff. 7-13-90; 1974 c 130, § 69

## HISTORICAL AND STATUTORY NOTES

2006 Main Volume Historical and Statutory Notes

**Note:** 119.076, formerly compiled as 124.070, created by 1974 c 130, § 69, eff. 6-21-74; 1942 c 208, § 1; KS 1457a.

**Note:** 119.076 contains provisions analogous to former 119.160, repealed by 1972 c 188, § 69, eff. 12-1-72.

## CROSS REFERENCES

2006 Main Volume Cross References

Ballot labels for judicial primary election, 118A.060

Ballot labels for judicial regular election, 118A.090

Preparation of ballot labels, 117.145

Sentence of imprisonment for Class D felony, 532.060

## LIBRARY REFERENCES

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C.J.S. Elections § 327.

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KRS § 119.095

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Baldwin's Kentucky Revised Statutes Annotated Currentness

Title X. Elections

Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→119.095 Printer's violation of duty in printing ballots**

Any printer of ballots, or person employed in printing ballots, who prints or permits to be printed any ballot in any other form than the one prescribed by law, or with any name or device placed, spelled or arranged thereon other than as authorized and directed by the county clerk, or who gives or delivers, or knowingly permits to be taken, any ballot by any person other than the county clerk for whom the ballots are being printed, shall be guilty of a Class C felony.

HISTORY: 1990 c 48, § 71, eff. 7-13-90; 1974 c 130, § 71

## HISTORICAL AND STATUTORY NOTES

2006 Main Volume Historical and Statutory Notes

**Note:** 119.095, formerly compiled as 124.090, created by 1974 c 130, § 71, eff. 6-21-74; 1942 c 208, § 1; KS 1463.

## CROSS REFERENCES

2006 Main Volume Cross References

Ballot labels for judicial primary election, 118A.060

Ballot labels for judicial regular election, 118A.090

Preparation of ballot labels, special paper ballots and supplemental paper ballots; provision for write-in votes, 117.145

Sentence of imprisonment for Class C felony, 532.060

## LIBRARY REFERENCES

2006 Main Volume Library References

Elections ↪318.

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## RESEARCH REFERENCES

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KRS § 119.105

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Baldwin's Kentucky Revised Statutes Annotated Currentness

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Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→119.105 Removal or destruction of election supplies or booths**

- (1) Any person who steals or willfully destroys any of the election supplies required to be furnished by the county clerk shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), and imprisoned in the county jail for not less than one (1) month nor more than six (6) months.
- (2) Any person who, during an election, knowingly and willfully removes or defaces the cards printed for the instruction of the voters, or destroys or removes any booth or other convenience provided for the election, or induces or attempts to induce any person to commit any such act, shall be imprisoned in the county jail for not less than six (6) months nor more than one (1) year.

HISTORY: 1974 c 130, § 72, eff. 6-21-74

## HISTORICAL AND STATUTORY NOTES

2006 Main Volume Historical and Statutory Notes

**Note:** 119.105, formerly compiled as 124.100, created by 1974 c 130, § 72, eff. 6-21-74; 1942 c 208, § 1; KS 1465, 1568.

## LIBRARY REFERENCES

2006 Main Volume Library References

Elections ↪319.  
Westlaw Topic No. 144.  
C.J.S. Elections § 330.

## RESEARCH REFERENCES

2006 Main Volume Research References

**Treatises and Practice Aids**

Abramson, Kentucky Practice, Substantive Criminal Law § 14:24, Destruction or Removal of Election Supplies.

KRS § 119.105, KY ST § 119.105

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KRS § 119.015

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Baldwin's Kentucky Revised Statutes Annotated Currentness

Title X. Elections

Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→ 119.015 Clerk making or permitting wrongful registration, or failing or refusing to deliver copies of registration records**

Any county clerk or deputy county clerk who falsely or fraudulently registers the name of any person, or permits any person to register knowing that the person is not entitled to register, or who fails or refuses to deliver copies of the registration records to a person entitled thereto, shall be guilty of a Class D felony.

HISTORY: 1990 c 48, § 64, eff. 7-13-90; 1974 c 130, § 63

## HISTORICAL AND STATUTORY NOTES

2006 Main Volume Historical and Statutory Notes

**Note:** 119.015, formerly compiled as 124.010, created by 1974 c 130, § 63, eff. 6-21-74; 1942 c 208, § 1; KS 1486bb-17.

## CROSS REFERENCES

2006 Main Volume Cross References

Access to registration records, 116.095

Eligibility to vote, 116.025

Qualifications for voting in primary election, 116.055

Sentence of imprisonment for Class D felony, 532.060

Voter registration, transfer, or change of party affiliation; county clerk to provide registration forms, cards, 116.045

## LIBRARY REFERENCES

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KRS § 119.025

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Baldwin's Kentucky Revised Statutes Annotated Currentness

Title X. Elections

Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→119.025 Wrongful registration**

Any person who knowingly or fraudulently causes himself to be registered in more than one (1) precinct, or to be registered more than once, or in a precinct other than the one in which he is a legal voter, or who registers under any name other than his real name, or who gives a false address, or who in any manner causes himself to be registered when he is not legally entitled to register, or who makes a false oath as to his ability to read or write, or who knowingly or fraudulently aids, abets, counsels or advises in the commission of any such act, shall be subject to the penalties prescribed for Class D felonies.

HISTORY: 1990 c 48, § 65, eff. 7-13-90; 1974 c 130, § 64

**HISTORICAL AND STATUTORY NOTES**

2006 Main Volume Historical and Statutory Notes

**Note:** 119.025, formerly compiled as 124.020, created by 1974 c 130, § 64, eff. 6-21-74; 1942 c 208, § 1; KS 1486b-54, 1486bb-18.

**CROSS REFERENCES**

2006 Main Volume Cross References

Eligibility to vote, 116.025

False swearing, 523.040

Falsification of signature or verification, 116.165

Forgery, alteration, destruction, or failure to return completed registration form, 116.047

Qualifications for voting in primary election, 116.055

Sentence of imprisonment for Class D felony, 532.060

Verification of applications, 116.065

**KENTUCKY ADMINISTRATIVE CODE REFERENCES**

Determining parole eligibility, 501 KAR 1:030

**LIBRARY REFERENCES**

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KRS § 119.035

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Baldwin's Kentucky Revised Statutes Annotated Currentness

Title X. Elections

Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→119.035 Alteration, suppression, mutilation, or destruction of registration record; making or using false or fraudulent record**

Any person who fraudulently or unlawfully alters any registration record, or fraudulently adds any name thereto, or willfully secretes, suppresses, mutilates or destroys any registration record, or makes or uses any false or fraudulent registration record, and any person who aids or abets in the commission of such act, shall be subject to the penalties prescribed for Class D felonies.

HISTORY: 1990 c 48, § 66, eff. 7-13-90; 1974 c 130, § 65

## HISTORICAL AND STATUTORY NOTES

2006 Main Volume Historical and Statutory Notes

**Note:** 119.035, formerly compiled as 124.030, created by 1974 c 130, § 65, eff. 6-21-74; 1942 c 208, § 1; KS 1486b-55, 1486bb-17, 1486bb-19.

## CROSS REFERENCES

2006 Main Volume Cross References

Access to registration records, 116.095

Falsification of signature or verification, 116.165

Forgery, alteration, destruction or failure to return completed registration form, 116.047

Forms for registration, 116.155

Sentence of imprisonment for Class D felony, 532.060

Transfer of registration, 116.085

Voter registration, change of party affiliation, 116.045

## LIBRARY REFERENCES

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Baldwin's Kentucky Revised Statutes Annotated Currentness

Title X. Elections

Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→119.045 Interfering with registration**

Any person who attempts to or forcibly prevents any person from registering, or in any way unlawfully interferes with any person registering, or prevents or interferes with a clerk or registration officer in carrying out his duties with relation to the registration of voters, shall be guilty of a Class A misdemeanor.

HISTORY: 1990 c 48, § 67, eff. 7-13-90; 1974 c 130, § 66

**HISTORICAL AND STATUTORY NOTES**

2006 Main Volume Historical and Statutory Notes

**Note:** 119.045, formerly compiled as 124.040, created by 1974 c 130, § 66, eff. 6-21-74; 1942 c 208, § 1; KS 1486b-57, 1486bb-20.

**CROSS REFERENCES**

2006 Main Volume Cross References

Sentence of imprisonment for Class A misdemeanor, 532.090

Voter registration, 116.045

**LIBRARY REFERENCES**

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C.J.S. Elections § 330.

**RESEARCH REFERENCES**

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**Treatises and Practice Aids**

Abramson, Kentucky Practice, Substantive Criminal Law § 14:21, Wrongful Registration.

KRS § 119.045, KY ST § 119.045

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KRS § 119.056

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Baldwin's Kentucky Revised Statutes Annotated Currentness

Title X. Elections

Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→ 119.056 Alteration, mutilation, or suppression of nomination papers**

Any person in possession of nomination papers entitled to be filed under the statutes relating to primary elections who wrongfully alters, mutilates or suppresses such papers, or wrongfully fails to cause them to be filed at the proper time in the proper office, shall be guilty of a Class A misdemeanor.

HISTORY: 1990 c 48, § 68, eff. 7-13-90; 1974 c 130, § 67

**HISTORICAL AND STATUTORY NOTES**

2006 Main Volume Historical and Statutory Notes

**Note:** 119.056, formerly compiled as 124.050, renumbered by the Reviser of Statutes and created by 1974 c 130, § 67, eff. 6-21-74; 1942 c 208, § 1; KS 1550-32.

**CROSS REFERENCES**

2006 Main Volume Cross References

Filing of nomination papers, 118.165

Independent candidates filing to fill vacancy, 118.375

Petition for nomination, 118A.060

Sentence of imprisonment for Class A misdemeanor, 532.090

**LIBRARY REFERENCES**

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Elections ↪ 318.

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C.J.S. Elections § 331.

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KRS § 119.065

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Baldwin's Kentucky Revised Statutes Annotated Currentness

Title X. Elections

Chapter 119. Election Offenses and Prosecutions (Refs & Annos)

**→ 119.065 Forgery of nomination papers**

Any person who forges the name of a signer to a nomination paper shall be guilty of a Class C felony.

HISTORY: 1990 c 48, § 69, eff. 7-13-90; 1974 c 130, § 68

**HISTORICAL AND STATUTORY NOTES**

2006 Main Volume Historical and Statutory Notes

**Note:** 119.065, formerly compiled as 124.060, created by 1974 c 130, § 68, eff. 6-21-74; 1942 c 208, § 1; KS 1550-31.

**CROSS REFERENCES**

2006 Main Volume Cross References

Filing of nomination papers, 118.165

Independent candidates filing to fill vacancy, 118.375

Petition for nomination, 118A.060

Sentence of imprisonment for Class C felony, 532.060

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KRS § 119.076

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Baldwin's Kentucky Revised Statutes Annotated Currentness

Title X. Elections

Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→119.076 Clerk's failure to place candidate's name on ballot**

Any county clerk who willfully and knowingly refuses or fails to have the name of any candidate printed upon the official ballot in the manner provided by law shall be guilty of a Class D felony.

HISTORY: 1990 c 48, § 70, eff. 7-13-90; 1974 c 130, § 69

## HISTORICAL AND STATUTORY NOTES

2006 Main Volume Historical and Statutory Notes

**Note:** 119.076, formerly compiled as 124.070, created by 1974 c 130, § 69, eff. 6-21-74; 1942 c 208, § 1; KS 1457a.

**Note:** 119.076 contains provisions analogous to former 119.160, repealed by 1972 c 188, § 69, eff. 12-1-72.

## CROSS REFERENCES

2006 Main Volume Cross References

Ballot labels for judicial primary election, 118A.060

Ballot labels for judicial regular election, 118A.090

Preparation of ballot labels, 117.145

Sentence of imprisonment for Class D felony, 532.060

## LIBRARY REFERENCES

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## RESEARCH REFERENCES

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KRS § 119.095

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**→ 119.095 Printer's violation of duty in printing ballots**

Any printer of ballots, or person employed in printing ballots, who prints or permits to be printed any ballot in any other form than the one prescribed by law, or with any name or device placed, spelled or arranged thereon other than as authorized and directed by the county clerk, or who gives or delivers, or knowingly permits to be taken, any ballot by any person other than the county clerk for whom the ballots are being printed, shall be guilty of a Class C felony.

HISTORY: 1990 c 48, § 71, eff. 7-13-90; 1974 c 130, § 71

## HISTORICAL AND STATUTORY NOTES

2006 Main Volume Historical and Statutory Notes

**Note:** 119.095, formerly compiled as 124.090, created by 1974 c 130, § 71, eff. 6-21-74; 1942 c 208, § 1; KS 1463.

## CROSS REFERENCES

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Ballot labels for judicial primary election, 118A.060

Ballot labels for judicial regular election, 118A.090

Preparation of ballot labels, special paper ballots and supplemental paper ballots; provision for write-in votes, 117.145

Sentence of imprisonment for Class C felony, 532.060

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KRS § 119.105

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Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→119.105 Removal or destruction of election supplies or booths**

- (1) Any person who steals or willfully destroys any of the election supplies required to be furnished by the county clerk shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), and imprisoned in the county jail for not less than one (1) month nor more than six (6) months.
- (2) Any person who, during an election, knowingly and willfully removes or defaces the cards printed for the instruction of the voters, or destroys or removes any booth or other convenience provided for the election, or induces or attempts to induce any person to commit any such act, shall be imprisoned in the county jail for not less than six (6) months nor more than one (1) year.

HISTORY: 1974 c 130, § 72, eff. 6-21-74

## HISTORICAL AND STATUTORY NOTES

2006 Main Volume Historical and Statutory Notes

**Note:** 119.105, formerly compiled as 124.100, created by 1974 c 130, § 72, eff. 6-21-74; 1942 c 208, § 1; KS 1465, 1568.

## LIBRARY REFERENCES

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Elections ↪319.  
 Westlaw Topic No. 144.  
 C.J.S. Elections § 330.

## RESEARCH REFERENCES

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**Treatises and Practice Aids**

Abramson, Kentucky Practice, Substantive Criminal Law § 14:24, Destruction or Removal of Election Supplies.

KRS § 119.105, KY ST § 119.105

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KRS § 119.115

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**→119.115 Unauthorized possession of key to voting machine; tampering with, injuring, or destroying ballot labels or voting machines**

- (1) Any unauthorized person found in possession of any key to a voting machine to be used or being used in any primary, general, or special election shall be guilty of a Class A misdemeanor.
- (2) Any person who, during or before any primary, general, or special election, willfully tampers with or attempts to tamper with, disarrange, deface, or impair in any manner whatsoever, injures, or destroys any ballot label, or destroys any such voting machine while in use at an election or at any other time, or who shall, after such machine is locked and sealed in order to preserve the record of the vote, tamper with or attempt to tamper with the record of the vote, or who aids or abets with intent to destroy or change the record of the vote shall be guilty of a Class D felony.
- (3) Any election official, or other person entrusted with the custody or control of any voting machine who, with intent to cause or permit any voting machine to fail to correctly register votes cast thereon, tampers with or disarranges such machine in any way, unlawfully opens such voting machine, prevents or attempts to prevent the correct operation of such voting machine or causes such voting machine to be used or consents to its being used for any election with knowledge of the fact that the machine is not in order, or not perfectly set and adjusted to correctly register all votes cast thereon, or removes, changes, or mutilates any ballot label on a voting machine shall be guilty of a Class D felony.

HISTORY: 1992 c 463, § 11, eff. 7-14-92; 1990 c 48, § 72; 1984 c 111, § 65; 1974 c 277, § 1

## CROSS REFERENCES

## 2006 Main Volume Cross References

Custody of machines, 117.135

Examination of machines by county board, 117.165

Period machines to remain locked, custody of keys, 117.295

Sentence of imprisonment for Class A misdemeanor, 532.090

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**→119.125 Sheriff's failure to hold election or perform other election duties**

Any sheriff who willfully fails to cause an election to be held, as required by law, shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). Any sheriff who willfully fails to perform any other duty concerning an election, for which there is no penalty specifically prescribed, shall be fined not less than twenty dollars (\$20) nor more than two hundred dollars (\$200).

HISTORY: 1974 c 130, § 73, eff. 6-21-74

**HISTORICAL AND STATUTORY NOTES**

2006 Main Volume Historical and Statutory Notes

**Note:** 119.125, formerly compiled as 124.110, created by 1974 c 130, § 73, eff. 6-21-74; 1942 c 208, § 1; KS 1578.

**CROSS REFERENCES**

2006 Main Volume Cross References

Delivery of proclamations and writs to sheriffs, 118.740

Penalty for misfeasance, malfeasance or willful neglect of duty, 61.170

Sheriff to publish notice of special election, 118.750

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Elections ↪314.

Westlaw Topic No. 144.

C.J.S. Elections § 327.

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**→ 119.145 Election officer's refusal to admit challenger**

Any election officer who refuses to permit any challenger of any political party having a ticket to be voted for at an election, who has been duly appointed and presents a duly attested certificate of appointment, to perform his duties as challenger, shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

HISTORY: 1974 c 130, § 75, eff. 6-21-74

**HISTORICAL AND STATUTORY NOTES**

2006 Main Volume Historical and Statutory Notes

**Note:** 119.145, formerly compiled as 124.130, created by 1974 c 130, § 75, eff. 6-21-74; 1942 c 208, § 1; KS 1481a.

**CROSS REFERENCES**

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Appointment of challengers and inspectors, 117.315

**LIBRARY REFERENCES**

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Abramson, Kentucky Practice, Substantive Criminal Law § 14:26, Officials' Failure to Perform Duties.

KRS § 119.145, KY ST § 119.145

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**→119.155 Preventing voter from casting ballot; interfering with election**

- (1) Any person who unlawfully prevents or attempts to prevent any voter from casting his ballot, or intimidates or attempts to intimidate any voter so as to prevent him from casting his ballot, or who unlawfully interferes with the election officers in the discharge of their duties, shall be guilty of a Class D felony.
- (2) Any person who, by himself or in aid of others, forcibly breaks up or prevents, or attempts to break up or prevent, or obstructs or attempts to obstruct, the lawful holding of an election, shall be guilty of a Class A misdemeanor.

HISTORY: 1990 c 48, § 73, eff. 7-13-90; 1974 c 130, § 76

## HISTORICAL AND STATUTORY NOTES

2006 Main Volume Historical and Statutory Notes

**Note:** 119.155, formerly compiled as 124.140, created by 1974 c 130, § 76, eff. 6-21-74; 1942 c 208, § 1; KS 1585a-4, 1588.

## CROSS REFERENCES

2006 Main Volume Cross References

Coercion of employee's vote prohibited, 121.310

Corrupt practices as grounds for contest, 120.015

Sentence of imprisonment for Class A misdemeanor, 532.090

Sentence of imprisonment for Class D felony, 532.060

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**→ 119.165 False personation of a voter; nonresident or unqualified person voting**

- (1) Any person who falsely personates a registered voter, and receives and casts a ballot by means of such personation, shall be guilty of a Class D felony. An attempt at such personation shall constitute a Class A misdemeanor.
- (2) Any person who, by means other than falsely personating a registered voter, votes at an election in this state when he is a resident of another state or country, or votes more than once at an election, or votes by use of the naturalization papers of another person, shall be guilty of a Class D felony. Any person who knowingly votes or attempts to vote in a precinct other than the one in which he resides shall be guilty of a Class A misdemeanor, unless by voting in a precinct in which he does not live he is enabled to vote in a race or on a matter in which he could not vote in his proper precinct in which case he shall be guilty of a Class D felony. Any person who lends or hires his or another's naturalization papers to be used for the purpose of voting shall be subject to the same penalty.
- (3) Any resident of this state who, by means other than falsely personating a registered voter, votes at a regular or special election before he has resided in this state thirty (30) days, or in the county and precinct where the election is held the time required by law, or before he has attained full age, or before he has become a citizen, shall be guilty of a Class B misdemeanor.
- (4) Any person who, by means other than falsely personating a registered voter, votes in a primary election knowing that he is not qualified as provided in KRS 116.055, shall be guilty of a violation.
- (5) Any person who applies for or receives a ballot at any voting place other than the one at which he is entitled to vote, under circumstances not constituting a violation of any of the provisions of subsections (1) to (4) of this section, shall be guilty of a Class A misdemeanor.

HISTORY: 1992 c 463, § 12, eff. 7-14-92; 1990 c 48, § 74; 1974 c 130, § 77

## HISTORICAL AND STATUTORY NOTES

2006 Main Volume Historical and Statutory Notes

**Note:** 119.165, formerly compiled as 124.150, created by 1974 c 130, § 77, eff. 6-21-74; 1942 c 208, § 1; KS 1550-19, 1569, 1572, 1584, 1585.

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Determination of voter's residence, 116.035

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**→119.175 Receipt of illegal vote or rejection of legal vote by election officer**

- (1) Except as provided in subsection (2) of this section, any officer of election who receives, assents to receive or records a vote at an election at a time or place known by him not to be the time and place lawfully appointed, or who knowingly receives the vote of any person other than a qualified voter, or refuses to receive the vote of a qualified voter, shall, for each offense, be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), and shall forfeit any office he holds and be disqualified from ever holding any office.
- (2) Any judge of a primary election who knowingly receives a vote of an elector who is not qualified to vote in the primary election under KRS 116.055 shall be fined one hundred dollars (\$100) for each offense.

HISTORY: 1974 c 130, § 78, eff. 6-21-74

## HISTORICAL AND STATUTORY NOTES

2006 Main Volume Historical and Statutory Notes

**Note:** 119.175, formerly compiled as 124.160, created by 1974 c 130, § 78, eff. 6-21-74; 1942 c 208, § 1; KS 1550-19, 1583.

## CROSS REFERENCES

2006 Main Volume Cross References

Misconduct by election officer, 117.995

Precinct election officers, 117.045

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C.J.S. Elections § 327.

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**→ 119.185 Disobeying election officer's command**

Any person who willfully disobeys any lawful command of an election officer, given in the execution of his duty as such at an election, shall be fined not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500).

HISTORY: 1974 c 130, § 79, eff. 6-21-74

**HISTORICAL AND STATUTORY NOTES**

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**Note:** 119.185, formerly compiled as 124.170, created by 1974 c 130, § 79, eff. 6-21-74; 1942 c 208, § 1; KS 1576.

**CROSS REFERENCES**

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Precinct election officers, 117.045

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C.J.S. Elections §§ 324, 355(2).

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**Treatises and Practice Aids**

Abramson, Kentucky Practice, Substantive Criminal Law § 14:30, Disobeying Election Officer's Command.

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**→ 119.195 Removing or tampering with ballots**

- (1) Any person who, during an election, knowingly and willfully removes or attempts to remove an official ballot from the election room, or has in his possession outside the election room any official ballot, either genuine or counterfeit, shall be guilty of a Class D felony.
- (2) Any voter who attempts to leave the election room with an official ballot in his possession shall at once be arrested on demand of either of the judges of election and shall be guilty of a violation, unless the act was done knowingly in which event he shall be guilty of a Class A misdemeanor.
- (3) Any person who takes or removes in any manner, feloniously or with the consent or permission of the custodian, any official ballot from any place where it may lawfully be, or knowingly and willfully has in his possession or custody any such official ballot, except as an officer or custodian under the law or while within the polling place for the purpose of voting, and any custodian or officer who permits any official ballot to be removed or carried away from the place where it may lawfully be by any person other than the officer or custodian whose duty it is to receive it, shall be guilty of a Class C felony.
- (4) Any election officer, or other person entrusted with the custody or control of any official ballot, either before or after it has been voted, who in any way marks, mutilates, or defaces any official ballot or places any distinguishing mark thereon, for the purpose of vitiating the official ballot, shall be guilty of a Class C felony.
- (5) Any person who unlawfully destroys or attempts to destroy any official ballot box used, or any official ballot deposited, at any election, or who unlawfully, by force, fraud, or other improper means, obtains or attempts to obtain possession of any ballot box or any official ballot therein deposited, while the voting at any election is going on or before the official ballots are duly taken out and counted according to law, shall be guilty of a Class D felony.
- (6) Any election officer who mutilates or tampers with any of the seals, or destroys or removes any official ballots required to be preserved, shall be guilty of a Class D felony.
- (7) Any county clerk who knowingly and willfully opens any ballot box and removes any official ballot therefrom, or removes, destroys, or tampers with a ballot box and official ballots left in his care and custody, or permits any other person to do so, during the period the boxes are required to remain locked in his office, shall be guilty of a Class D felony.
- (8) Any person who removes, mutilates, or destroys, or adds any new official ballots to, the regular official ballots that have been counted and prepared for preservation, or that have already been preserved, so that the result of the election in the precinct or county is changed, shall be guilty of a Class D felony.
- (9) Any person who tampers with or changes the official ballots, or opens the receptacles in which the official ballots are contained without the order of the court, after the ballots have been sent to the Franklin County

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KRS § 119.205

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Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→ 119.205 Making or receiving expenditures for vote, for withholding of vote, or for signing a petition to have public question on ballot; definition of "expenditure"; procedures for paying for transportation of voters; applicability of KRS 502.020**

- (1) Any person who makes or offers to make an expenditure to any person, either to vote or withhold his vote, or to vote for or against any candidate or public question at an election shall be guilty of a Class D felony.
- (2) Any person who solicits, accepts, or receives any such expenditure as payment or consideration for his vote, or the withholding of his vote, or to vote for or against any candidate or public question at an election shall be guilty of a Class D felony.
- (3) Any person who makes or offers to make an expenditure to any person to sign a petition to have a public question placed on the ballot, or any person who solicits, accepts, or receives any such expenditure as payment or consideration to sign a petition to have a public question placed on the ballot, shall be guilty of a Class B misdemeanor.
- (4) For purposes of this section, "expenditure" means any of the following when intended as payment or consideration for voting or withholding a vote, voting for or against any candidate or public question, or signing a petition to have a public question placed on the ballot:
  - (a) A payment, distribution, loan, advance, deposit, or gift of money or anything of value; or
  - (b) A contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a payment, distribution, loan, advance, deposit, or gift of money or anything of value.

"Expenditure," as used in this section, shall not include the distribution of materials bearing the name, likeness, or other identification of a candidate, political party, committee, or organization, or position on a public question and not intended as payment or consideration for voting or withholding a vote, voting for or against any candidate or public question, or signing a petition to have a public question placed on the ballot.
- (5) Any candidate or committee, or any person on his behalf, who pays any person, including campaign workers, for transporting voters to the polls on the day of the election, shall make all payments by check. All payments, regardless of amount, shall be reported to the Registry of Election Finance in the manner that the Registry shall provide by administrative regulation. Any person who knowingly violates any requirement of this subsection shall be guilty of a Class B misdemeanor.
- (6) In addition to the above provisions, a person may be convicted of a violation of this section pursuant to KRS 502.020.

HISTORY: 2000 c 53, § 1, eff. 7-14-00; 1991 1st ex s, c 5, § 1, eff. 2-15-91

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KRS § 119.207

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**→ 119.207 Prohibition against paying compensation based upon number or characteristics of voters registered**

Any person who provides compensation or makes any such expenditure as payment or consideration for registering voters that is based upon the total number of voters a person registers or the total number of voters a person registers in a particular party, political group, political organization, or voters of independent status shall be guilty of a Class B misdemeanor.

HISTORY: 2006 c 107, § 1, eff. 3-30-06

KRS § 119.207, KY ST § 119.207

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**→ 119.215 Providing another with intoxicants on election day**

Any person who sells, loans, gives or furnishes intoxicating liquor to any person in this state on the day of any regular or primary election, under circumstances not constituting a violation of KRS 242.100, 244.290 or 244.480, shall be fined not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50) for each offense.

HISTORY: 1974 c 130, § 82, eff. 6-21-74

**HISTORICAL AND STATUTORY NOTES**

2006 Main Volume Historical and Statutory Notes

**Note:** 119.215, formerly compiled as 124.200, created by 1974 c 130, § 82, eff. 6-21-74; 1942 c 208, § 1; KS 1575.

**CROSS REFERENCES**

2006 Main Volume Cross References

Corrupt practices as grounds for contest, 120.015

Sale or gift of liquor on election day, general assembly may regulate, Ky Const §154

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Intoxicating Liquors ↪145.

Westlaw Topic No. 223.

C.J.S. Intoxicating Liquors §§ 242, 256.

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Abramson, Kentucky Practice, Substantive Criminal Law § 14:33, Providing Intoxicants for Another on Election Day.

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KRS § 119.225

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**→119.225 Denial of rights of inspectors by county board of elections**

Any member of a county board of elections who refuses to permit an inspector designated under KRS 117.275 and 117.315 to exercise free and full action in witnessing the count of the ballots, or interferes with the right of such an inspector to have a free and full opportunity to witness the count of the ballots, shall be guilty of a Class A misdemeanor.

HISTORY: 1990 c 48, § 77, eff. 7-13-90; 1982 c 394, § 35; 1974 c 130, § 83

## HISTORICAL AND STATUTORY NOTES

2006 Main Volume Historical and Statutory Notes

**Note:** 119.225, formerly compiled as 124.210, created by 1974 c 130, § 83, eff. 6-21-74; 1942 c 208, § 1; KS 1482.

## CROSS REFERENCES

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Appointment of challengers and inspectors, 117.315

Counting and certification of votes, 117.275

Sentence of imprisonment for Class A misdemeanor, 532.090

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Elections ⚡319.  
Westlaw Topic No. 144.  
C.J.S. Elections § 330.

## RESEARCH REFERENCES

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**Treatises and Practice Aids**

Abramson, Kentucky Practice, Substantive Criminal Law § 14:34, Interference With Election Inspectors.

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**→119.235 Alteration, suppression, or destruction of stub book, return, or certificate of election**

Any person who willfully alters, obliterates, secretes, suppresses or destroys a stub book, return or certificate of election, and any officer who makes, aids in making or authorizes the making of any false or fraudulent stub book, certificate of election or election return, shall be guilty of a Class D felony.

HISTORY: 1990 c 48, § 78, eff. 7-13-90; 1974 c 130, § 84

**HISTORICAL AND STATUTORY NOTES**

2006 Main Volume Historical and Statutory Notes

**Note:** 119.235, formerly compiled as 124.220, created by 1974 c 130, § 84, eff. 6-21-74; 1942 c 208, § 1; KS 1581.

**CROSS REFERENCES**

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Issuance of certificates by state board of elections, 118A.190

Issuance of certificates of election by state board of elections, 118.425

Preservation of certificates and petitions of nomination, 118.385

Sentence of imprisonment for Class D felony, 532.060

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Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→ 119.245 Violation of law or failure to perform duty by member of board of elections**

Any member of the State Board of Elections or of a county board of elections who willfully and knowingly violates any provision of the statutes relating to his duties, or fails to execute faithfully any of the duties imposed upon him by law, for which no other penalty is provided, shall be guilty of a Class B misdemeanor.

HISTORY: 1990 c 48, § 79, eff. 7-13-90; 1982 c 394, § 36; 1974 c 130, § 85

**HISTORICAL AND STATUTORY NOTES**

2006 Main Volume Historical and Statutory Notes

**Note:** 119.245, formerly compiled as 124.230, created by 1974 c 130, § 85, eff. 6-21-74; 1942 c 208, § 1; KS 1596a-15.

**Note:** 119.245 contains provisions analogous to former 124.120 and 124.230, repealed by 1974 c 130, § 198, eff. 6-21-74.

**CROSS REFERENCES**

2006 Main Volume Cross References

County board of elections, 117.035

Failure of county board of elections to divide county into election precincts, 117.055

Failure to perform duties with respect to voter registration, 116.995


Misconduct by member of county board of elections, 117.995

Sentence of imprisonment for Class B misdemeanor, 532.090

State board of elections, 117.015

**LIBRARY REFERENCES**

2006 Main Volume Library References

Elections  314.

Westlaw Topic No. 144.

C.J.S. Elections § 327.

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KRS § 119.255

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Baldwin's Kentucky Revised Statutes Annotated Currentness

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Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→ 119.255 Intimidation of election officer or board of elections**

Any person who, by threat of violence or in any other manner, intimidates or attempts to intimidate the election officers, the State Board of Elections or a county board of elections in the performance of their duty and any persons who conspire together and go forth armed for the purpose of intimidating said officers, shall be guilty of a Class D felony.

HISTORY: 1990 c 48, § 80, eff. 7-13-90; 1982 c 394, § 37; 1974 c 130, § 86

**HISTORICAL AND STATUTORY NOTES**

2006 Main Volume Historical and Statutory Notes

**Note:** 119.255, formerly compiled as 124.240, created by 1974 c 130, § 86, eff. 6-21-74; 1942 c 208, § 1; KS 1596a-16.

**CROSS REFERENCES**

2006 Main Volume Cross References

County board of elections, 117.035

Executive director and assistant, staff, powers and duties, 117.025

Precinct election officers, 117.045

Sentence of imprisonment for Class D felony, 532.060

State board of elections, 117.015

**LIBRARY REFERENCES**

2006 Main Volume Library References

Elections ↪ 320.

Westlaw Topic No. 144.

C.J.S. Elections §§ 333, 334(2).

**RESEARCH REFERENCES**

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KRS § 119.265

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Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→119.265 Violation of duties for which no other penalty provided**

Any public officer who willfully neglects to perform a duty imposed upon him under the election laws, for which no other penalty is provided, or who willfully performs such duty in a way that hinders the objects of the election laws, shall be guilty of a Class B misdemeanor.

HISTORY: 1990 c 48, § 81, eff. 7-13-90; 1974 c 130, § 87

## HISTORICAL AND STATUTORY NOTES

2006 Main Volume Historical and Statutory Notes

**Note:** 119.265, formerly compiled as 124.250, created by 1974 c 130, § 87, eff. 6-21-74; 1942 c 208, § 1; KS 1577.

## CROSS REFERENCES

2006 Main Volume Cross References


Misfeasance, malfeasance or willful neglect of duty, penalty, 61.170

Penalties for misconduct with respect to regulation of elections, 117.995

Sentence of imprisonment for Class B misdemeanor, 532.090

## LIBRARY REFERENCES

2006 Main Volume Library References

Elections  314.

Westlaw Topic No. 144.

C.J.S. Elections § 327.

## RESEARCH REFERENCES

2006 Main Volume Research References

**Treatises and Practice Aids**

Abramson, Kentucky Practice, Substantive Criminal Law § 14:36, Failure of Member of Board of Elections or Other Public Officer to Perform Duty.

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KRS § 119.275

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Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→119.275 Advising or assisting violation of election laws**

Any person who counsels, advises, procures or aids in the commission of any of the offenses named in this chapter shall incur the penalty provided for committing such offense.

HISTORY: 1974 c 130, § 88, eff. 6-21-74

**HISTORICAL AND STATUTORY NOTES**

2006 Main Volume Historical and Statutory Notes

**Note:** 119.275, formerly compiled as 124.260, created by 1974 c 130, § 88, eff. 6-21-74; 1942 c 208, § 1; KS 1590.

**CROSS REFERENCES**

2006 Main Volume Cross References

Penalties for misconduct relating to regulation of elections, 117.995

**LIBRARY REFERENCES**

2006 Main Volume Library References

Elections ↪309.

Westlaw Topic No. 144.

C.J.S. Elections §§ 324, 355(2).

**RESEARCH REFERENCES**

2006 Main Volume Research References

**Treatises and Practice Aids**

Abramson, Kentucky Practice, Substantive Criminal Law § 14:38, Complicity in Election Law Violation.

KRS § 119.275, KY ST § 119.275

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KRS § 119.277

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Chapter 119. Election Offenses and Prosecutions (Refs & Annos)

**→ 119.277 Prohibitions against holding elective office**

Any person who shall have been convicted of any election law offense which is a Class A misdemeanor shall not be permitted to hold elective office for a period of five (5) years following the conviction. Any person who shall have been convicted of any election law offense which is a felony shall not be permitted to hold elective office until his civil rights have been restored by executive pardon.

HISTORY: 1988 c 341, § 17, eff. 7-15-88

**CROSS REFERENCES**

**2006 Main Volume Cross References**

Denial of right to have name placed on judicial ballot for violation of campaign finance regulations, 118A.080

Exclusion from office for bribery, fraud, intimidation, corrupt practices, Ky Const §151

Exclusion from office for crime, Ky Const §150

**LIBRARY REFERENCES**

**2006 Main Volume Library References**

Officers and Public Employees ↩31.

Westlaw Topic No. 283.

C.J.S. Officers and Public Employees §§ 28 to 30.

KRS § 119.277, KY ST § 119.277

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KRS § 119.285

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Title X. Elections

Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→119.285 Irregularity or defect in conduct of election no defense**

Irregularities or defects in the mode of convening or conducting an election shall constitute no defense to a prosecution for a violation of the election laws.

HISTORY: 1974 c 130, § 89, eff. 6-21-74

## HISTORICAL AND STATUTORY NOTES

2006 Main Volume Historical and Statutory Notes

**Note:** 119.285, formerly compiled as 124.270, created by 1974 c 130, § 89, eff. 6-21-74; 1942 c 208, § 1; KS 1591.

## LIBRARY REFERENCES

2006 Main Volume Library References

Elections Ⓢ321.

Westlaw Topic No. 144.

## RESEARCH REFERENCES

2006 Main Volume Research References

**Treatises and Practice Aids**

Abramson, Kentucky Practice, Substantive Criminal Law § 14:20, In General.

## NOTES OF DECISIONS

**Evidence 1****Withholding candidate's name 2****1. Evidence**

This section does not warrant the court in holding that the testimony of a single witness, in support of the charge of receiving a bribe to vote, was corroborated by proof of general reputation of accused as a bribe taker, and having taken bribes for his vote at prior elections. (Annotation from former KRS 124.270.) *Romes v. Commonwealth* (Ky. 1915) 164 Ky. 334, 175 S.W. 669.

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KRS § 119.295

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Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→119.295 Applicability of penalties for regular elections to primaries and to elections for United States Senator.**

(1) Any act or deed denounced by the statutes concerning regular elections or concerning elections generally shall be an offense when committed in connection with a primary election held under KRS Chapter 118, and shall be punished in the same manner, and all the penalties for violation of the regular election laws shall apply with equal force to all similar violations of the provisions of the statutes relating to primary elections.

(2) Penalties prescribed for offenses against the election laws in the election of other officers shall apply to elections for United States Senator.

HISTORY: 1974 c 130, § 90, eff. 6-21-74

## HISTORICAL AND STATUTORY NOTES

2006 Main Volume Historical and Statutory Notes

**Note:** 119.295, formerly compiled as 124.280, created by 1974 c 130, § 90, eff. 6-21-74; 1942 c 208, § 1; KS 1546-3, 1550-35.

## CROSS REFERENCES

2006 Main Volume Cross References

Election of United States senators, 118.465

## LIBRARY REFERENCES

2006 Main Volume Library References

Elections ↪309.

Westlaw Topic No. 144.

C.J.S. Elections §§ 324, 355(2).

## RESEARCH REFERENCES

2006 Main Volume Research References

## Treatises and Practice Aids

Abramson, Kentucky Practice, Substantive Criminal Law § 14:20, In General.

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KRS § 119.305

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Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→119.305 Report by election officers of violations; arrest of offenders**

Election officers shall give information of all infractions of the election laws to the grand jury, Commonwealth's attorney, Attorney General and the Registry of Election Finance. The election officers shall cooperate in any investigation or prosecution of election law violations. When there is reason to fear that an offender will escape out of the county before indictment, any election officer may procure his immediate apprehension.

HISTORY: 1988 c 341, § 38, eff. 7-15-88; 1974 c 130, § 91

## HISTORICAL AND STATUTORY NOTES

2006 Main Volume Historical and Statutory Notes

**Note:** 119.305, formerly compiled as 124.290, created by 1974 c 130, § 91, eff. 6-21-74; 1942 c 208, § 1; KS 1592.

## CROSS REFERENCES

2006 Main Volume Cross References

Attorney general's jurisdiction to investigate and prosecute election law violations, 15.242

Burden of proof and order of proceedings in disciplinary proceedings, SCR 3.330

Burden of proof in civil cases, CR 43.01

Burden of proof in criminal cases, defenses, 500.070

Enforcement of election laws by attorney general, 15.243

## LIBRARY REFERENCES

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Elections k324.1.

Westlaw Topic No. 144.

KRS § 119.305, KY ST § 119.305

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KRS § 119.315

Baldwin's Kentucky Revised Statutes Annotated Currentness

Title X. Elections

Chapter 119. Election Offenses and Prosecutions (Refs & Annos)

**→ 119.315 Grand jury may compel testimony as to violation of election laws**

Except as provided in KRS 119.325, any person who refuses, when summoned, to testify on oath before a grand jury as to any knowledge he may possess concerning any violation of law in relation to elections in the county during the preceding eighteen (18) months shall be imprisoned until he submits, and be fined not less than ten dollars (\$10) nor more than thirty dollars (\$30) by the court, and a like sum for each daily repetition of the contempt.

HISTORY: 1974 c 130, § 92, eff. 6-21-74

**HISTORICAL AND STATUTORY NOTES**

2006 Main Volume Historical and Statutory Notes

**Note:** 119.315, formerly compiled as 124.300, created by 1974 c 130, § 92, eff. 6-21-74; 1942 c 208, § 1; KS 1593.

**CROSS REFERENCES**

2006 Main Volume Cross References

Grand jury instructions, RCr 5.02

Grand jury investigation, compelling testimony, RCr 5.12

Self-incrimination, US Const Am 5

**LIBRARY REFERENCES**

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Elections ↪ 326.

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KRS § 119.315, KY ST § 119.315

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KRS § 119.325

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Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→ 119.325 Refusal to produce evidence of corrupt practices when summoned by grand jury a Class A misdemeanor**

Any person having the possession of any books, correspondence or papers of a corporation that may show or tend to show any violation of the provisions of KRS 121.025, or of KRS 121.045 or 121.055, or of subsection (1) of KRS 121.310, who refuses, when summoned by a grand jury, to produce such books, correspondence or papers, or to appear and testify concerning them or to give any other evidence material to the matter under investigation, shall be guilty of a Class A misdemeanor.

HISTORY: 1990 c 48, § 82, eff. 7-13-90; 1974 c 130, § 93

## HISTORICAL AND STATUTORY NOTES

2006 Main Volume Historical and Statutory Notes

**Note:** 119.325, formerly compiled as 124.310, created by 1974 c 130, § 93, eff. 6-21-74; 1942 c 208, § 1; KS 1565b-21.

## CROSS REFERENCES

2006 Main Volume Cross References

Attendance of witnesses at grand jury proceeding, RCr 5.06

Candidates prohibited from making expenditure, loan, promise, agreement or contract as to action when elected, in consideration for vote, 121.055

Coercion of employee's vote prohibited, 121.310

Compelling testimony from witness before grand jury, RCr 5.12

Contributions to certain candidates by individuals prohibited, 121.045

Corporate contributions to candidates prohibited, 121.025

Grand jury investigation, RCr 5.02

Self-incrimination, US Const Am 5

Sentence of imprisonment for Class A misdemeanor, 532.090

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KRS § 119.335

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**→ 119.335 Evidence required to support conviction for violation of election laws**

No person shall be convicted of a violation of any of the statutes relating to elections upon the testimony of only one (1) witness, unless sustained by strong corroborating circumstances.

HISTORY: 1974 c 130, § 94, eff. 6-21-74

**HISTORICAL AND STATUTORY NOTES**

2006 Main Volume Historical and Statutory Notes

**Note:** 119.335, formerly compiled as 124.320, created by 1974 c 130, § 94, eff. 6-21-74; 1942 c 208, § 1; KS 1594.

**LIBRARY REFERENCES**

2006 Main Volume Library References

Elections ↪ 329.

Westlaw Topic No. 144.

C.J.S. Elections §§ 349 to 351.

**RESEARCH REFERENCES**

2006 Main Volume Research References

**Treatises and Practice Aids**

Abramson, Kentucky Practice, Substantive Criminal Law § 14:20, In General.

**NOTES OF DECISIONS****In general 1****Circumstantial evidence 2****Corroboration 3****Sale of liquor 4****1. In general**

Evidence not sufficient to convict for bribery. (Annotation from former KRS 124.320.) *Benge v. Com.* (Ky. 1924)

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KRS § 119.345

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Chapter 119. Election Offenses and Prosecutions (Refs &amp; Annos)

**→119.345 Witness not exempted from giving incriminating testimony; immunity except from perjury charge**

- (1) At the discretion of the prosecuting attorney, in any prosecution under the election laws it shall be no exemption for a witness that his information may criminate himself, and no such information given by a witness shall be used against him in any prosecution, except for perjury, and if used on behalf of the Commonwealth he shall stand discharged from all penalties for any violation of the election laws so necessarily disclosed in the information he so discloses as tending to convict the accused.
- (2) The statement of any person testifying in any case pending under the provisions of KRS 121.025, 121.045, 121.055, or subsection (1) of KRS 121.310 shall not be used against him in any prosecution or civil proceeding.

HISTORY: 1988 c 341, § 39, eff. 7-15-88; 1974 c 130, § 95

## HISTORICAL AND STATUTORY NOTES

2006 Main Volume Historical and Statutory Notes

**Note:** 119.345, formerly compiled as 124.330, created by 1974 c 130, § 95, eff. 6-21-74; 1942 c 208, § 1; KS 1565b-20, 1594.

## CROSS REFERENCES

2006 Main Volume Cross References

Self-incrimination, US Const Am 5

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## NOTES OF DECISIONS

**Immunity 1****Testimony required 2**

1. Immunity

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KRS § 119.355

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Chapter 119. Election Offenses and Prosecutions (Refs & Annos)

**→ 119.355 Limitation of prosecutions**

No prosecution shall be had under the election laws where the penalty is less than confinement in the penitentiary unless the prosecution is commenced within two (2) years from the time of the commission of the offense.

HISTORY: 1974 c 130, § 96, eff. 6-21-74

**HISTORICAL AND STATUTORY NOTES**

2006 Main Volume Historical and Statutory Notes

**Note:** 119.355, formerly compiled as 124.340, created by 1974 c 130, § 96, eff. 6-21-74; 1942 c 208, § 1; KS 1595.

**LIBRARY REFERENCES**

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Elections k324.1.

Westlaw Topic No. 144.

**RESEARCH REFERENCES**

2006 Main Volume Research References

**Treatises and Practice Aids**

Abramson, Kentucky Practice, Criminal Practice and Procedure § 13:1, Statutory Limitations on Charging Defendant.

Abramson, Kentucky Practice, Substantive Criminal Law § 14:20, In General.

**NOTES OF DECISIONS**

**Misdemeanors 2**

**Procedural issues 1**

**1. Procedural issues**

An indictment for receiving a bribe under KRS 124.150 (KS 1585) should show on its face that the offense was committed within two years; this may be done by giving the date of the election at which the bribe was received.

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Ala.Code 1975 § 17-23-1



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Title 17. Elections.

■ Chapter 23. Miscellaneous Offenses. (Refs & Annos)

**→ § 17-23-1. Illegal voting or attempting to vote.**

Any person who votes more than once at any election held in this state, or deposits more than one ballot for the same office as his vote at such election, or knowingly attempts to vote when he is not entitled to do so, or is guilty of any kind of illegal or fraudulent voting, must, on conviction, be imprisoned in the penitentiary for not less than two nor more than five years, at the discretion of the jury.

(Code 1876, § 4289; Code 1886, § 4185; Code 1896, § 4692; Code 1907, § 6788; Code 1923, § 3906; Code 1940, T. 17, § 302.)

**LIBRARY REFERENCES**

29 C.J.S. Elections, §§ 325, n.1.

**CASENOTES**

**1. Scope of section**

**Scope of section.** The language of this section is broad enough to embrace, and in fact does in *ipsis verbis* embrace, "any election held in this state." *Gandy v. State*, 82 Ala. 61, 2 So. 465 (Ala.1887). See also *Anderson v. State*, 72 Ala.187 (1882); *Washington v. State*, 75 Ala. 582 (1884).

**2. "Election" defined**

**"Election" defined.** The word "election" means the act of casting and receiving ballots, and the day and time of voting. *State v. Tucker*, 54 Ala.205 (Ala.1875).

**3. The words "illegal or fraudulent" as used in this section are merely descriptive**

**The words "illegal or fraudulent" as used in this section are merely descriptive** of the intent necessary for the commission of the offense. *Wilder v. State*, 401 So.2d 151 (Ala.Crim.App.1981), writ denied 401 So.2d 167, certiorari denied 102 S.Ct. 606, 454 U.S. 1057, 70 L.Ed.2d 595.

Clearly, the language of this section reflects a common understanding that "illegal or fraudulent voting" is voting more than one ballot for the same office, or attempting to vote when one is not entitled to do so. This section thus gives due notice of the criminal consequences of such action. *Wilder v. State*, 401 So.2d 151 (Ala.Crim.App.1981), writ denied 401 So.2d 167, certiorari denied 102 S.Ct. 606, 454 U.S. 1057, 70 L.Ed.2d 595.

**4. Mistake as to qualifications**

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Ala.Code 1975 § 17-23-2



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Title 17. Elections.

Chapter 23. Miscellaneous Offenses. (Refs & Annos)

**→ § 17-23-2. Illegal voting at municipal elections.**

Any person who falsely impersonates another and thereby or otherwise fraudulently casts a vote to which he is not entitled, or having voted at such municipal election votes a second time, whether in the same ward or another, or having once obtained registration in any ward, shall cause himself to be registered a second time, or attempts to obtain a second registration, whether in the same or another name, or whether in the same or another ward, or shall aid or assist another not so entitled, knowing him not to be so entitled, to vote or to obtain registration as a voter, shall be guilty of a felony, and, on conviction in the circuit court, or court of like jurisdiction, of the county, shall be punished by imprisonment in the penitentiary for a period of not less than one nor more than two years.

(Code 1907, § 6817; Code 1923, § 3935; Code 1940, T. 17, § 330.)

Ala. Code 1975 § 17-23-2, AL ST § 17-23-2

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Ala.Code 1975 § 17-23-3



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Title 17. Elections.

■ Chapter 23. Miscellaneous Offenses. (Refs & Annos)

**→ § 17-23-3. Bribing or attempting to influence voter.**

Any person who, by bribery or offering to bribe, or by any other corrupt means, attempts to influence any elector in giving his vote, or deter him from giving the same, or to disturb, or to hinder him in the free exercise of the right of suffrage, at any election, must, on conviction, be fined not less than \$50.00 nor more than \$500.00.

(Code 1876, § 4292; Code 1886, § 4187; Code 1896, § 4694; Code 1907, § 6790; Code 1923, § 3908; Code 1940, T. 17, § 304.)

**LIBRARY REFERENCES**

29 C.J.S. Elections, § 218.

Ala. Code 1975 § 17-23-3, AL ST § 17-23-3

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Ala.Code 1975 § 17-23-4



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Title 17. Elections.

Chapter 23. Miscellaneous Offenses. (Refs & Annos)

**→ § 17-23-4. Buying votes.**

Any person who buys or offers to buy any vote of any qualified elector at any election by the payment of money or the promise to pay the same at any future time, or by the gift of intoxicating liquors or other valuable thing, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than \$50.00 nor more than \$100.00.

(Code 1907, § 6808; Code 1923, § 3926; Code 1940, T. 17, § 321.)

Ala. Code 1975 § 17-23-4, AL ST § 17-23-4

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Ala.Code 1975 § 17-23-5

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Code of Alabama Currentness

Title 17. Elections.

■ Chapter 23. Miscellaneous Offenses. (Refs & Annos)

**→ § 17-23-5. Selling votes.**

Any qualified elector at any election who takes or receives any money or other valuable thing, upon the condition that the same shall be paid at any future time, in exchange for the vote of such elector for any particular candidate, or the promise to vote for any particular candidate, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$50.00 nor more than \$500.00. No witness shall be prosecuted for any offense under this section as to which he testified before the grand jury.

(Code 1907, § 6809; Code 1923, § 3927; Code 1940, T. 17, § 322.)

Ala. Code 1975 § 17-23-5, AL ST § 17-23-5

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Ala.Code 1975 § 17-23-6



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Code of Alabama Currentness

Title 17. Elections.

Chapter 23. Miscellaneous Offenses. (Refs & Annos)

**→ § 17-23-6. Candidate barred by bribery.**

Any candidate for office in any election, upon conviction of bribing or attempting to influence voter under Section 17-23-3, shall in addition to the fine, be declared ineligible for the office to which he was elected for that term.

(Code 1907, § 368; Code 1923, § 458; Code 1940, T. 17, § 141.)

#### LIBRARY REFERENCES

29 C.J.S. Elections, §§ 216(5), 325.

Ala. Code 1975 § 17-23-6, AL ST § 17-23-6

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Ala.Code 1975 § 17-23-7



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Title 17. Elections.

Chapter 23. Miscellaneous Offenses. (Refs & Annos)

**→ § 17-23-7. Altering or changing vote of elector.**

Any person who fraudulently alters or changes the vote of any elector, by which such elector is prevented from voting as he intended, must, on conviction, be fined not less than \$100.00 nor more than \$1,000.00, and imprisoned in the county jail for not less than 30 days nor more than six months.

(Code 1876, § 4293; Code 1886, § 4188; Code 1896, § 4695; Code 1907, § 6791; Code 1923, § 3909; Code 1940, T. 17, § 305.)

**LIBRARY REFERENCES**

29 C.J.S. Elections, § 340.

Ala. Code 1975 § 17-23-7, AL ST § 17-23-7

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Ala.Code 1975 § 17-23-8



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Code of Alabama Currentness

Title 17. Elections.

■ Chapter 23. Miscellaneous Offenses. (Refs & Annos)

**→ § 17-23-8. Disturbing elector on election day.**

Any person who, on election day, disturbs or prevents, or attempts to prevent, any elector from freely casting his ballot must, on conviction, be fined not less than \$500.00 nor more than \$1,000.00, and also sentenced to hard labor for the county, or imprisoned in the county jail for not less than six months nor more than one year.

(Code 1876, § 4294; Code 1886, § 4189; Code 1896, § 4696; Code 1907, § 6792; Code 1923, § 3910; Code 1940, T. 17, § 306.)

**LIBRARY REFERENCES**

29 C.J.S. Elections, § 340.

Ala. Code 1975 § 17-23-8, AL ST § 17-23-8

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Ala.Code 1975 § 17-23-9



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Title 17. Elections.

Chapter 23. Miscellaneous Offenses. (Refs & Annos)

**→ § 17-23-9. Becoming intoxicated about voting place on election day. Repealed by Acts 1977, No. 607, p. 812, § 9901, effective January 1, 1980.**

Ala. Code 1975 § 17-23-9, AL ST § 17-23-9

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Ala.Code 1975 § 17-23-10



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Title 17. Elections.

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**→ § 17-23-10. Employer intimidating employee.**

Any employer who attempts by coercion, intimidation, threats to discharge or to lessen the remuneration of an employee, to influence his vote in any election, or who requires or demands an examination or inspection by himself or another of an employee's ballot, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than \$500.00.

(Code 1907, § 6804; Code 1923, § 3922; Code 1940, T. 17, § 317.)

**LIBRARY REFERENCES**

29 C.J.S. Elections, §§ 334(2), 344.

Ala. Code 1975 § 17-23-10, AL ST § 17-23-10

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Ala.Code 1975 § 17-23-11



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Title 17. Elections.

Chapter 23. Miscellaneous Offenses. (Refs & Annos)

**→§ 17-23-11. Coercion of employees of corporations.**

Any officer or agent of a corporation, or other person with authority to discharge employees, who shall attempt by coercion, intimidation, threats to discharge or to lessen the remuneration of any employee, to influence his vote in any election, or who requires or demands an examination or inspection by himself or another of any employee's ballot, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than \$500.00.

(Code 1907, § 6805; Code 1923, § 3923; Code 1940, T. 17, § 318.)

**LIBRARY REFERENCES**

29 C.J.S. Elections, § 334(2).

Ala. Code 1975 § 17-23-11, AL ST § 17-23-11

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Ala.Code 1975 § 17-23-12



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Title 17. Elections.

Chapter 23. Miscellaneous Offenses. (Refs & Annos)

**→ § 17-23-12. Providing false information to register or vote.**

Any person who knowingly provides false information in order to vote or register to vote in violation of Act 2003-313 shall be guilty of a Class A misdemeanor and upon conviction thereof shall be punished as provided by law.

(Act 2003-313, p. 733, § 11.)

**HISTORY**

Effective date:

The act which added this section is effective June 19, 2003.

**Code Commissioner's Notes**

Act 2003-313 added this section and Sections 17-1-8, 17-10A-1, 17-10A-2, and 17-25-1 through 17-25-4, and amended Sections 17-4-127, 17-4-129, 17-4-130, 17-4-136, 17-4-138, 17-4-150, 17-4-151, 17-4-187, 17-4-210 through 17-4-214, 17-4-230, 17-4-231, 17-4-250, 17-4-252 through 17-4-255, 17-5A-4 through 17-5A-6, 17-7-13, 17-8-43, 17-9-23, 17-10-4, 17-10-5, 17-10-9, 17-10-10, 17-10-23, 17-14-1, 17-14-20, 17-16-31, 17-16-35, 17-16-36, and 17-20-4.

Ala. Code 1975 § 17-23-12, AL ST § 17-23-12

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